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ABSTRACT

What the role of the state should be to improve education in large cities is the central question guiding this study. The first section of this paper maps the field of action by describing, in rough outline, the structure of school governance in Illinois. The second section examines seven major issues in terms of that structure, and three basic questions about the prospects for state action. Those questions are: how important the issues are, what the role of the state is, and, whether action is possible. The seven issues are: school desegregation and equality of educational opportunity, school finance, school governance, power relationships, collective bargaining, accountability, teacher certification, and curriculum content and control. These issues are chosen on the basis of their importance and salience. The issues are presented for discussion in order of priority in order to provide a guide for state action. The criterion of priority is the severity of the problem the issue presents to the State Board in terms of its relationship with the city schools. The more complex the problem, in both political and educational terms, the higher it is on the list. Three major themes which emerged from the study are presented in the form of dilemmas around which the decisions and problems of the state role seem to revolve. (Author/AM)

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AN ANALYSIS OF THE STATE ROLE IN URBAN EDUCATIONAL SYSTEMS: THE CASE OF ILLINOIS

A REPORT TO THE
SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF ILLINOIS

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December 1974

CENTER FOR URBAN AFFAIRS
NORTHWESTERN UNIVERSITY

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Louis H. Masotti
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Purpose

Most of the people of Illinois live in cities of over 50,000 population or in their surrounding metropolitan areas. Most of the State's children attend school there also. Major problems of education in Illinois are where the people are. So it is only natural for a new State Board of Education and Superintendent of Public Instruction to turn their attention to urban education. This report is designed to be a first step toward addressing the major issues and prospects for constructive action.

This first section maps the field of action by describing, in rough outline, the structure of school governance in Illinois. The second section examines each of seven major issues in terms of that structure and three basic questions about the prospects for State action. Those questions are:

1. How important is the issue? Importance is determined by the intensity of concern about the issue and its short and long term implications for the quality of education in the cities of Illinois.

2. What is the role of the state? The role here is determined by the jurisdiction of the State Board of Education and other parts of the State government to act in the area.

3. Is action feasible? Feasibility is discussed in terms of the governance structure and the prospects for successful action by the State Board.

No definitive answers to these questions are possible from our short study. But we do believe that these questions provide a sound basis for policy review and planning. The same questions should guide the Board in its further consideration of these issues.

Issues

This study focuses on seven issues. They were chosen on the basis of importance, as described above, and their salience; that is, how much current attention is being paid to these matters.

These issues are:

1. School desegregation and equality of educational opportunity.
2. School Finance.
3. School governance and power relationships.

4. Collective bargaining.
5. Accountability.
6. Teacher certification.
7. Curriculum content and control.

Each issue is treated separately in the later sections of the report.

The issues are presented for discussion in a priority ordering. The order is based on the purpose of this work: to provide a guide for state action. The criterion of priority is the severity of the problem the issue presents to the State Board in terms of its relationship with the city schools. The more complex the problem, in both political and educational terms, the higher it is on the list. In other words, we do not suggest that the issues low on the list are less important than the others. Rather, because they are more within the realm of professional discretion of a state education agency, they present lesser political and operational problems. We elaborate below on the differences between actions that are more in the professional realm and those which involve the entire political system.

The Role of the State in Urban Education

The study was guided by one central question: What should the state do to help improve education in large cities? We are interested in what functions are most appropriate for the state, or the special province of the state in light of existing legal, political, and economic circumstances.[1] The nature of the question is best illustrated by an example. We could ask: Should the state take over and operate the local school districts? The answer would undoubtedly be a resounding NO! We have good reason to believe that a large, centrally operated school system for the entire state would be neither efficient or politically palatable. However, we could also ask, for example: Should the state allow each locality to design and build its own highways and dismantle the state highway system? The answer would again be a loud NO. The chaos resulting from complete local control of highways could quickly paralyze the state's transportation system. By their nature, some functions of government are best handled primarily at one level, others elsewhere, still others by a cooperative or "federal" system among levels of government. For the case of urban education, it is not clear which responsibilities and authorities are best assigned to which levels. This study is designed to resolve some of these questions.

This does not mean that we have considered dismantling the entire system of schooling or how to rebuild it from the bottom up. The basic constitutional, legal, and political structures of the system are taken as given. We have examined instead what are the important elements in this structure, and what specific problems and changes in the system should receive further attention.

The Dilemmas of School Governance

Some major themes emerged from our inquiry. They emerged in the form of dilemmas around which the decisions and problems of the state role seem to revolve. The first is the dilemma of regulation v. cooperation and support. Local school districts are, of course, creatures of the state, deriving their powers and resources from the state legislature. The Constitution places on the state the responsibility to create and operate the schools. Traditionally, these powers have been shared -- much of the operating discretion is delegated to the local school district, while some powers and duties are retained by the state government. Within this framework of shared power, the state clearly has two responsibilities. One is to provide the financial and administrative arrangements for the operation of the local school systems. This includes the systems of laws and grants, by which the local school boards operate and derive revenues. Also, the state education agency exists in part to assist schools in the design and operation of their programs. We refer to these as the support functions of the state. And they are characterized as cooperative and collegial relations between the local school and the state government.

The other state responsibility is that of regulation: seeing to it that the laws of the state regarding education are obeyed, particularly the constitutional requirement of an efficient school system for all the children of the state. Most of the regulatory duties fall to the state education agency, but with the added involvement of the courts and the General Assembly where necessary. There are some built-in conflicts and incompatabilities in a relationship which includes both support and regulation. If the state is supportive of all the local school systems choose to do, it is likely that many state legal requirements will be unfulfilled. But if the state takes a strict regulatory posture there is great resistance due to the strong traditions of local control and autonomy.

Moreover, the creation of a state agency to strictly enforce by coercion all of the legislative requirements would produce a long list of new problems.

The second dilemma involves the status of the major urban center of the state: should Chicago be a separate case or part of the state school system? As far as the basic state responsibilities are concerned, the school district of the City of Chicago is one of the 1000+ school systems in the state. The same fundamental mandates of educational opportunity and efficiency apply. The state has the same responsibilities for regulation and support. But in the law and in practice, the school system of Chicago is set apart. In its size and complexity, Chicago dwarfs the other school systems of the state. The administrative staff of the school system is larger and, on the average, better paid than that of the OSPI. A separate action of the school code (section 34) distinguishes the Chicago schools from the remainder of the state in most respects, from the manner of selection of the Board of Education, to the manner in which accounts are to be kept. Legislators outside the City tend to leave city school issues up to the City legislators. The City is often referred to as a "separate state". Yet it is not. It is a vital part of the social, economic, and political fabric of Illinois, just as the state is tightly linked to the internal operations of the city government and school systems. So while Chicago's school system must in some respects be treated as a special case, sound policy must be based on the recognition of the close relationships between the city and the rest of the state.

The third dilemma is closely related to the first two, but has broader implications. The problem revolves around the question of the place of the school in the political system. There is, on the one hand, a strong tradition of separation of the schools from the processes of partisan politics. This tradition has two bases: (1) the desire to have school policy made according to the best informed judgements about what's best for school children, and (2) to remove control of the schools from those who would operate them for private gain and political ambition. Policy built on these two bases has resulted in school board selection procedures which are removed from partisanship and in schools operated by politically independent, professionalized organizations which are protected by tenure and civil service codes. The city schools of the early 1900's

riddled by graft and corruption, have largely disappeared. But the result has been a school system which is criticized as "unresponsive" and "removed from the people". The cry of "bureaucracy" is hurled as an epithet at the administrative structures of the urban school systems and decentralization is proferred as the solution to urban school ills. But we must question whether the schools can be removed from politics and still be responsive to the people, or whether the schools can be run on the basis of the best-informed, disinterested judgement and still not be controlled by the professionals. The traditional answer to the dilemma has been the lay board setting policy and the professional staff implementing. But in large systems, the process of implementation seems well beyond the control of the lay board and almost totally in the hands of the professionals. Finding responses to this situation which retain both responsiveness and professionalism is the essence of the third dilemma.

Participants in State-Urban Relationships

The dilemma of professional v. political control of the urban school is a central theme in both the history and current structures of policymaking. The history of the urban schools is dominated by problems of structure and control, and the many shifts in power occuring through the school's past. We will devote some brief attention to this history as it relates to the current issues in Illinois. And this theme is found in the current decision processes as well. Since any policy initiatives of the new State Board in the area of urban education will be decided among the participants in the governance structure, we then devote attention to the current picture.

The recent emphases on decentralization and "responsiveness" as issues in urban school reform mask the place of the current structures in the history of school governance. In fact, the present school organization, characterized by removal from municipal politics and highly professionalized administration, are reactions to excess responsiveness in the past. The excess reponsiveness was to the political pressures of city politicians and the corruption and greed of the school officials. Writers on the history of school reform in cities, such as Cronin and Katz, have chronicled the changes from decentralized city schools run by ward politicians and riddled with corruption, through a series of reforms leading to the current systems.[2] This movement has spanned most of the current century, having its roots in reorganization movements of the late 1800's. Chicago was no exception in the problems of wresting control of the schools from those who would run them for private gain. In fact, there was a time in the early 1900's when the Board of Education was known as the "Grey Wolves" for thei-

rapacity in diverting school funds to private use. As a consequence of this history there is considerable resistance in many parts of the city and school governance structures, as well as the state level, to breaking down the existing barriers between the schools and the remainder of the political structure. As one prominent Chicago political figure put it: "Do you want teachers to go to Ward Committeemen for jobs?" This feeling is held among school and government officials in the cities.

As a consequence, the relationships between the Board of Education and city government tend to be somewhat remote. The situation in Chicago can be characterized as similar to a one-way gate between the Board of Education and the Office of the Mayor. The gate opens more readily when requests for support and assistance are moving from the Board to the Mayor, but there is much less flow in the opposite direction. This is not to say that there is no communication between the Mayor and the school officials. One of the functions of the President of the Board and the General Superintendent is to maintain communications with the city government. Beyond that formal link, appointees of the Mayor would be expected to share, to some degree, a common perception of school problems and political priorities. But there is little evidence of explicit control of school policy by the City administration.

There is, in fact, little incentive for the Mayor to take an active part in most school issues. Directives from the Mayor's office are not likely to produce a dramatic improvement in current school problems, except perhaps in settling a labor dispute. So other than keeping the school's demands for resources somewhat in line with the City Budget, there is little to be gained. An exception to this generalization would be in the area of desegregation. A school policy shift toward changing the racial composition of schools could generate much conflict in some City neighborhoods. So there is an incentive to maintain stability in the school policy on desegregation.

Otherwise, direct intervention in school policy can be politically costly. Taking direct action in school affairs makes the City Government responsible for failures and client dissatisfactions, instead of being somewhat insulated as it is now. Moreover, there is strong ideological resistance to "politicization" of the schools in many quarters. Making education an electoral issue, as in a Mayoral campaign, raises charges of using the schools for partisan advantage. Some legislators even report a reluctance of the Mayor's office to campaign actively for school funds in the legislature, leaving that task to legislators from the city districts.

The same characterization applies, but to a lesser degree, to the relationships between the Governor and the state education agency. Exercise of control by the Governor in school matters is found primarily in budget matters. The Governor does maintain an oversight capacity of the education agency through the state budget bureau and an educational aide. Budget bureau personnel emphasized their problems in gaining access to the necessary information to perform their program analysis functions. The budget bureau staff identified this lack of appropriate data as being the most serious problem in their task of dealing with educational policy matters in the executive branch. Of course, the relationship of the Governor to education will be changed due to his appointment power for the State Board. But in the other states where such a relationship exists, there is little evidence that the Governor exercises direct or substantial control over school policy matters directly through this appointment process.[3] Again, the strong ideological commitment to maintaining independence and professionalization of education governance limits the Governor's discretion in the appointment process, as does the confirmation power of the Senate.

Some concern has been expressed recently over whether the Governor has been attempting to expand his influence over educational policy in the state through changing his fiscal oversight of the Board. The fact that this issue was raised emphasizes the point that structural changes in governance, such as a new Board, provide opportunity for actors in the system to change their power relationships.

The General Assembly has two principal modes of participation in the formation of educational policy: (1) the Education Committees in the House and Senate, and (2) legislative membership on the School Problems Commission (SPC). The Education Committees review all education matters which come to the General Assembly. So these committee members are key actors in both developing new policy and screening demands to the legislature. But SPC is selective. It is a main link between the school systems of the state and legislative process, as is discussed in some detail below. The SPC works with analysis of selected problems and plays a problem-solving and consensus-forming link between educational interests and the General Assembly.

The Commission is jointly appointed - five members from the House, five from the Senate, and five appointed by the Governor. The membership list of the Schools Problems Commission provides an indication of major interests in educational policymaking for the state. The SPC membership is selected to represent some major interests, and outside the General Assembly that membership itself results in special access to policymaking processes.

However, not all major educational interests are represented on the SPC. For example, only one of the two major teacher organizations (Illinois Education Association) has a seat: the Chicago Teachers Union and the Illinois Federation of Teachers are not members. In addition to the organizations and associations representing the major divisions in the school system (school boards, teachers, etc.,), there are numerous groups with narrower realms of concern, such as special teachers, etc. It is not necessary to list all these associations here; a complete list is found in the annual Directory of Illinois Schools published by the OSPI. It is simply necessary to note that all but a very few of the major participants are directly represented in the existing SPC and formal school governance structure.

As is true of all legislatures, some members of the General Assembly become recognized as experts in educational matters. This comes from work prior to joining the General Assembly, and most importantly through work on the Committees and the SPC. These experts have an important trust relationship with the rest of the legislature, since the other members rely on the experts' recommendations in passing bills. Thus these experts form a special group of key participants.

Structure of Educational Governance

What the study results suggest is a model of educational governance consisting of two channels, with some links and leaks between the two. The dominant channel is the professional one, consisting of non-partisan boards of education, professional administration, and educational interest groups and associations as the principal actors. This channel handles the great bulk of educational policy matters and is largely independent in day-to-day operations from the rest of the political structure. The other channel is the general political system, consisting of city and state government and the organized interests which participate in the government process, such as labor unions, etc. The general political channel controls directly in educational policy matters only when the issues have important consequences for the rest of the political system, such as school finance reform. For most of these high-importance topics there are linking mechanisms between the two channels to facilitate communication and accomodation on conflictual issues. The primary linking structure is the SPC, which consists of legislators, other members of the general political structure, and education professionals. In addition, some political actors on the SPC and Education Committees in the General Assembly have gained the reputation as education experts and are trusted by the other legislators in educational policy matters. These then become hybrids of professionals and political actors.

Due to the makeup of the state education agency in Illinois, and the legislative and Constitutional mandate of the State Board, it seems clear that the Board will be part of the professional channel of educational policymaking. This is the role which most typically characterizes the State Board in other states (particularly those studied by Campbell and Mazzoni).[4] The Board has the responsibility for all educational policy matters in the state and has as its arm a professionalized education agency. None of the members of the Board are part of the general political system of the state, though some are former members, and all are political actors in the sense of being directly involved in the school governance structure. Therefore, it seems reasonable to expect that the Board will operate as other Boards of education do in the normal matters of education policy.

The key question is, will the Board also function as a linking mechanism to the general political system for those high-salience matters which invoke the full political process. As other studies suggest, many Boards do not serve this linking function and thus do not take strong leadership roles in those key areas of policy which involve the overall system, such as finance.[5] But Campbell and Mazzoni found that most persons questioned preferred that the State Boards in those states would take an active role and be a main linking mechanism.[6] Some of the same feeling was expressed by prominent political figures in Illinois.

But at the same time, there was concern felt about the relations of the Board with the current dominant linking mechanism: the Special Problems Commission. The SPC is viewed by many key figures both in the professional and political structures as necessary to the successful function of educational governance in Illinois, even with the presence of the State Board. There is, of course, potential for conflict in this relationship. But it is not inevitable. The SPC is selective in choosing policy matters for consideration, although almost all the high-salience ones are considered. While the State Board is concerned with all educational policy matters, there can be cooperation and division of labor on issue dimensions. There are other possible modes of cooperation, such as the Board serving as a linking mechanism between the professional structure and the SPC, and the SPC serving as a link with the rest of the political structure. That is, the State Board could represent the school systems and professional education interests to the SPC and the SPC could represent the general political interests and positions to the Board. Certainly other working relationships are possible. The alternative to these relationships at this time seems to be a Board isolated from the mainstream of the political system and consequently seriously hampered in taking a leadership role in many issue areas.

The matter of linkage with the political system is, however, only one side of the dilemma. A State Board of Education could become isolated from the political structure and rendered ineffective. But it could also become too closely linked with the political structure and lose credibility as a spokesman and leader for the professional structure. We have not emphasized this aspect of the role of the State Board, since in most of the states which have been studied, this was not seen as a problem. But because the entire structure of educational governance in the state is new and in a state of flux, it is useful to present a comprehensive view of the possibilities.

In fact, none of these dilemmas will fade away, or be removed by the discovery of the "right" policy by the State Board of Education. They are, in fact, woven into the nature of the urban school situation. So instead of looking for answers, we have attempted to construct a framework of analysis by which the problems can be better understood, and alternative courses of action can be formulated and evaluated. The construction of this framework has required a variety of information from scattered sources. So before entering into a discussion of the issues themselves we will devote some attention to the procedures of the work.

Procedures

We have divided our work into four phases. These are a review of current educational literature, a review of recent legal and legislative activities affecting the schools, interviews with educational leaders in Michigan, California, and New York, and extensive interviews with key governmental and educational leaders in Illinois and Chicago.

First, our literature review had two concerns: decision-making framework and issues. In examining the state educational decision-making framework, we made a thorough review of Campbell and Mazzoni's Educational Governance Project. This comprehensive twelve-state study, completed in August, 1974, was concerned with developing alternative models for educational governance. The other focus of our literature review was on seven contemporary educational issues. These have been delineated above.

Second, we reviewed recent legal and legislative activities having an impact of educational policy-making. The thrust of this review was an analysis of germane court decisions and their implications for school governance. This review was structured around the seven issues. It included both a nationwide review

and an Illinois/Chicago review. The nationwide review was made by the Center for National Policy Review, the Catholic University of America, especially for this study.

Third, we conducted interviews with the key educational decision-makers in Michigan, California and New York. These states were carefully selected on the basis of two criteria: the presence of large, industrial, urban centers and a long history of educational governance by a State Board of Education. The objective of these interviews was to learn first-hand the nature of state-urban relationships in these states and how they resolved educational issues.

Finally, the bulk of our research involved extensive interviews with over thirty governmental and educational leaders in Illinois and Chicago. This allowed us to further define the issues with respect to Illinois and to analyze the delicate and complex relationships of Illinois' educational decision-making process.

This report is the result of the collection and analysis of data from all of these sources.

DESEGREGATION

The high priority assigned to desegregation for this report is based on the examination of the issue in terms of these basic questions:

1. Importance -- Racial and ethnic segregation within city school systems is a central concern for (a) equalization of educational opportunity, (b) conflict and disruption of the educational program, and (c) the relationship among local, state, and Federal school officials. In addition, desegregation activities have the potential to affect all schools in a metropolitan area.

2. Jurisdiction -- Under the Armstrong Act and the 1971 OSPI Desegregation guidelines, the state has accepted central authority and responsibility for the desegregation of public school systems. In addition, the OSPI administers elements of desegregation programs.

3. Feasibility -- The machinery for enforcement of Federal and state desegregation law continues to move. By anticipating developments and concentrating on both the educational and legal policy matters the state can have a positive impact on the educational opportunity of pupils in segregated systems. But the State Board must be prepared for serious conflict as well.

Central to the problem of providing equality of educational opportunity is the separation of racial and ethnic groups in the schools and society. There is little question that in fact, Chicago and other major cities of Illinois have severe cases of racial and ethnic isolation in the schools. This is often accompanied by similar distribution of the teaching staff. The basic facts of the situation are clear. And it is equally clear that the situation is contrary to both Federal and state policy. The questions before us then, are why has this situation persisted, what developments can be expected, and how can the problem be analyzed in order to guide policy development.

Policy Making Structure

Desegregation is, first of all, a matter of both state and Federal action.

Since most of the school systems of the state receive substantial amounts of Federal funds, they come under the provisions of Title IV and Title VI of the Civil Rights Act. These titles provide, respectively, for technical assistance to schools in desegregation processes, and enforcement of nondiscrimination provisions of the Act. The technical assistance comes from both state and Federal programs funded through the OSPI. The enforcement activities are handled through the regional offices of the Department of Health, Education, and Welfare and the Department of Justice. In addition to the Federal regulations and enforcement mechanisms, the school code of Illinois and regulations promulgated by the Superintendent of Public Instruction prohibit racially segregated school systems.[1] Compliance with state regulations is handled by the Division of Equal Educational Opportunity and the Office of Recognition and Supervision of OSPI. In addition, enforcement activities involve the Federal Courts and, occasionally, the state courts.

The three dilemmas of the state role in urban education are nowhere more clear than in the area of desegregation policy. Existing legislation gives the state an active role in pursuing desegregation. In addition, the OSPI acts as an arm of the Federal government in enforcing the Civil Rights Act and regulations in federal aid programs. The regulatory requirements are quite extensive, but in an area as complex as desegregation, a good deal of assistance and support for local school systems is necessary. The OSPI does in fact provide a technical assistance capacity to be made available to local school systems. The legal authority and the administrative machinery to enforce desegregation and to provide technical assistance to carry out desegregation orders are both well established in the state education agencies. But in the past, the enforcement activities of the state education agency have been somewhat limited, and more effort has been placed in the technical assistance and cooperative aspects of the agency function. The agency is placed in the curious position of having to review the adequacy of its own planning and compliance assistance efforts.

While the federal and state desegregation requirements apply to the whole state, they fall most heavily on the cities, especially Chicago. It is in these cities that the large concentrations of ethnic and racial minorities can be found. And it is in these cities where vast areas of racially and ethnically segregated housing make desegregation of the schools an extremely complicated

and delicate proportion. In terms of numbers, Chicago is clearly the most serious problem. But, an alternative to attacking the problem first in Chicago would be to test the legal and operational principles in desegregation procedures in the smaller cities of the state. And in fact we have seen that the principle desegregation efforts in the courts in Illinois have been in cities like Waukegan and Rockford. (These two cases are discussed in some detail below.) So while there has been considerable desegregation effort expended at the state and federal levels of government for Illinois, the full force of those efforts have yet to impact on Chicago. In this respect, Chicago is clearly a special case, but will be dealt with, presumably, in the same manner as the rest of the state.

The political problems of school desegregation may be even more complicated than the technical ones. Desegregation, and especially bussing, are extremely sensitive and inflammatory political issues. The violence in Boston is just the most recent example of public reaction to the bussing of school children in previously segregated school systems. In fact, in Chicago there seems to be little overt pressure in either the black or white communities for aggressive programs in school desegregation. If the school authorities were to act on the basis of these local conditions, it is unlikely that any strenuous desegregation would be undertaken for Chicago. However, there is more to the matter than the immediate political palatability of the school desegregation efforts for Chicago. These additional factors are discussed in some detail below.

The desegregation issues discussed below fall into three groups: (1) court actions, (2) Federal desegregation enforcement, and (3) state actions. Each group is dealt with separately. Then particular components of these issues worthy of special attention are described.

Court Action

There have been two fundamental legal questions around which most of the court actions in the area of desegregation have been argued. First is the question of whether a school system is in fact segregated. The second is the question of what remedies can be allowed in alleviating the segregation where it is found to exist; that is, how does one move from a segregated to a desegregated school system. The answer to the first question has been clearly defined by the courts: if some official government action can be shown to be a cause of

segregation in the schools, the school district is thereby a segregated one, regardless of the degree of concentration of peoples of one race or ethnic group in the school buildings of that system. No court has as yet made such a finding of fact for Chicago. The administrative definitions of segregation are different from the ones held by the courts, and are elaborated on below.

The answers of the courts on the matter of remedies of desegregation have been less clear. As most recently defined in Swan v. Mecklenberg and Millikan v. Bradley, the U.S. Supreme Court held that these remedies cannot extend beyond the boundaries of that school district unless it can be shown that the boundaries themselves were drawn for the purposes of maintaining segregation or were the result of other actions intended to maintain segregation.[2] Thus, the so-called metropolitan solutions to school desegregation are not permissible unless it can be shown that the school district boundaries in the metropolitan area, or the segregation among school districts, is the result of an official state action of one kind or another. Therefore, cross-district bussing as a means of desegregation in the Chicago metropolitan area is not likely in the near future.

But, some legal analysts believe it is possible to show that state action is responsible for the metropolitan segregation, with black students concentrated in the cities and nearly all white suburbs. If this can be shown to the satisfaction of the Supreme Court, so-called metropolitan solutions may still be possible.[3]

But regardless of whether or not metropolitan solutions to desegregation are possible, serious segregation remains within many city school systems. A recent report by the Chicago Board of Education shows extremely high levels of racial segregation within the Chicago system. Eighty-six per cent of the black students in the city attend schools which are ninety or more per cent black enrollment. Little improvement in this situation has been found during the past few years. In fact, the proportion of black students in the city school system continues to grow from 57.6 per cent in 1973 to 57.9 per cent in 1974. And while the extent of racial concentration is higher in Chicago than other cities in the state, substantial segregation can be found in the smaller cities as well. In addition to pupil segregation, there are similar patterns of faculty segregation in these systems also. Racial and ethnic segregation of the faculty falls under the same legal and administrative regulations as does pupil segregation.

Federal Desegregation Enforcement

In addition to court action, there are two administrative mechanisms for enforcing desegregation. One is through state action described later. The Federal mechanism is discussed here. Under Title VI of the Civil Rights Act, school districts which maintain segregated schools are not eligible for federal funds. HEW can withhold funds from these school districts. But the racial segregation of the nation's Northern and Western schools is still not uncommon two decades after Brown and a decade after the Civil Rights Act of 1964. In an effort to learn why this is so, the Center for National Policy Review has examined the effectiveness of HEW enforcement of Title VI of the 1964 Act. The results of this study, described in Justice Delayed and Denied: HEW and Northern School Desegregation, indicate that HEW efforts to end school segregation have been less than vigorous.[4]

Title VI of the Civil Rights Act of 1964 requires that no person shall be subject to discrimination in any federally funded program. While the law applies to all federal programs, HEW is the major agency affected by Title VI. Under Title VI, the Department of Health, Education, and Welfare is responsible for preventing racial segregation and other forms of discrimination against public school students and for withholding federal funds from school districts that do not comply with the law.

Within the first year after Title VI became law, the Office of Education received 15 complaints of school segregation and discrimination in the North and West.[5] HEW chose to act first on the most well-documented complaint--a complaint submitted by the Coordinating Council of Community Organizations in Chicago. This complaint charged that Chicago School Superintendent Benjamin Willis was maintaining segregated vocational schools and was working with the Chicago Real Estate Board and the public housing authorities to maintain overcrowded, segregated schools for black students. Acting in response to this complaint, the Office of Education informed the State Superintendent of Public Instruction that federal funds for Chicago were being withheld pending an investigation. The consequence of this decision was disastrous. Under pressure of Mayor Daley and President Johnson, HEW quickly softened its position. In addition, the Justice Department issued guidelines forbidding HEW to hold up funds prior to an administrative hearing. HEW has since abandoned enforcement responsibility in Chicago and enforcement action has been taken over by the Department of Justice.

This initial Title VI experience in Chicago had a major impact on HEW's subsequent strategy to end school segregation, particularly in the North. First, there was a three-year hiatus in HEW attempts to find school districts in non-compliance; it lasted until April, 1968. Federal officials instead chose to let Northern communities deal with desegregation on their own, using federal funds to finance these efforts under Title IV of the 1964 Civil Rights Act. This policy, however, produced little school desegregation. Second, when HEW resumed its Title VI enforcement efforts in 1968 it concentrated its attention on school systems smaller and less likely to cause political problems than Chicago.

The renewed HEW interest in Title VI enforcement was spurred largely by pressure from Southern Congressmen. They felt that the law had not been enforced uniformly in all regions of the country. While HEW enforcement activities had been dormant in the North, it had initiated enforcement action against 259 southern school districts and had cut off the federal funds of 38 by May, 1967.

One of the key problems of enforcing Title VI lay in the uncertainty of what defined a "segregated" school system. The South had a long history of dual school systems under law, de jure segregation. School segregation in the North, however, came about not by mandatory assignment of children to school on the basis of race but rather through housing patterns and operating decisions of school officials, de facto segregation. In the late 1960's the Federal Courts, however, accepted the view that much segregation in the North was actually de jure in character. It held that where decisions were made by school officials in a way that furthered racial segregation, the necessary racial intent could be inferred unless school authorities could demonstrate that they had no reasonable alternatives available that would have resulted in less segregation. This meant that extensive fact-finding and data collection by HEW was likely to establish a violation of Title VI.

Within HEW, the responsibility for seeing that recipients of federal funds do not discriminate falls to the Office of Civil Rights (OCR). The objective of an OCR Title VI compliance review is to determine whether or not the racial segregation in school districts is officially sanctioned by local school officials. To determine initially whether a compliance review is needed, OCR depends on two sources:

(1) statistical reports of school district racial breakdown filed with

HEW

(2) complaints from pupils, teachers, parents

If a district is found in non-compliance, there are attempts to resolve the problems through negotiation and conciliation. Should this procedure fail, HEW may begin enforcement proceedings. In enforcing Title VI there are two alternatives for action:

(1) termination of federal funds to district

(2) referral of matter to Department of Justice for civil suit to end desegregation

After an unsuccessful 1965 attempt to terminate federal funds in Chicago, HEW and Justice officials have agreed that judicial enforcement by civil action is preferred to administrative enforcement by termination of federal funds.

In assessing HEW's Title VI enforcement efforts, two major allegations have been made. These are (1) failure to assert jurisdiction and (2) failure to act on evidence of discrimination.

Since 1965, HEW has initiated 84 compliance reviews. However, there has been a long, steady decline of Title VI compliance reviews in recent years. As of January 1, 1974 no new Title VI reviews were to be initiated until all pending investigations discussed below had been resolved.

Of the 84 reviews begun, 52 are still unresolved. As of July 1, 1973 the status of the open cases were as follows:

no letter of non-compliance; still investigating	37
letter of non-compliance sent	11
investigation stayed pending litigation	4
administrative hearing	2

From 1971 on, the administrative, investigative and clearance process averaged more than 32 months. At that point, a letter of non-compliance is sent and enforcement proceedings are begun. Enforcement proceedings, from the letter of non-compliance to the termination of funds, can be expected to take 42 months. The complete Title VI compliance review may take over 6 years from beginning to end. Title VI, as employed, has not been particularly effective in ending school segregation in the North.

It is important to note, however, that Title VI has been quite successful in the South. In 1963-64, 98 per cent of all black children in eleven Southern states attended all-black schools. By 1972, the situation had changed drastically,

with less than 9 per cent of black children in all-black schools. The most important factor producing change was the vigor with which OCR pursued its duties under Title VI from 1965 to 1970.

Several factors have been suggested to account for the ineffective performance of OCR in the North. These include (1) pressure from former President Nixon not to act (2) sloppy investigation (3) bureaucratic caution (4) unbalanced staffing and (5) unrealistic requirements for clearing cases for action. (note: The CNPR report does not attempt to explain why these factors apparently did not impede Title VI enforcement in the South.)

It has been concluded that Title VI compliance efforts in the North have not been successful largely because OCR has been less than aggressive in asserting its jurisdiction to conduct compliance reviews and because OCR has been less than aggressive in enforcing Title VI once evidence of discrimination has been established. To date, this set of Federal regulations has been applied to a number of school systems in the state, and will be applied to Chicago through the compliance review now underway.[6]

Having reviewed the Federal desegregation enforcement process, we turn to the activities of the state of Illinois. The current process has its roots in the passage of the Armstrong Act in 1968. That act calls for (in part):

> "As soon as practicable, and from time to time there after, the (local) board shall change or revise existing (attendance) units or create new units in a manner which will take into consideration the prevention of segregation and the elimination of separation of children in public schools because of color, race or nationality."[7]

That law was tested and upheld by the Illinois Supreme Court in the Tometz decision.[8] Under the authority of that legislation and ruling, as well as other powers of the Superintendent of Public Instruction, regulations for the enforcement of that statute were issued by OSPI in November, 1971.[9] Those regulations, which have the force of law, require school districts to report to OSPI on the racial makeup of the schools. If the pupils are segregated to the extent that the racial composition of any school is different by 15 per cent or more from the overall racial composition of the district, the district can be judged by OSPI to be not in compliance. Districts found not in compliance must prepare a plan, for the approval of OSPI, showing how the segregation will be eliminated. OSPI may provide technical assistance, or even prepare a

plan for a district which fails to do so on its own. If the district fails to act to eliminate the segregation, OSPI can place the district on probationary recognition or withhold state funds.

This process of state enforcement has been underway since early 1972. The current state of enforcement efforts and the process is shown schematically in Figure I.[10] Of the four districts which have not complied, three are now on probationary recognition status and at risk of losing all state funds. No decision has been made on Chicago.

We have, to this point, described desegregation as a critical issue in the relationship between the Federal, state, and the local level of school governance. There is clear evidence that there is serious racial and ethnic segregation in the city school systems. A variety of federal and state mechanisms exist which are designed to eliminate and prevent the reoccurence of this kind of segregation. We have a situation in Illinois where a number of these mechanisms have been applied with varying success across the state. The question remains, however, what are the prospects for further desegregation activities becoming serious issues in Chicago and other major cities in the state. Although there seems to be little pressure for desegregation felt by the political actors in the school government system, a number of processes are under way which suggest that issue is far from dead. The section below discusses six factors which should be taken into account in analyzing school desegregation in Chicago and other major cities of the state.

Special Problems in Desegregation

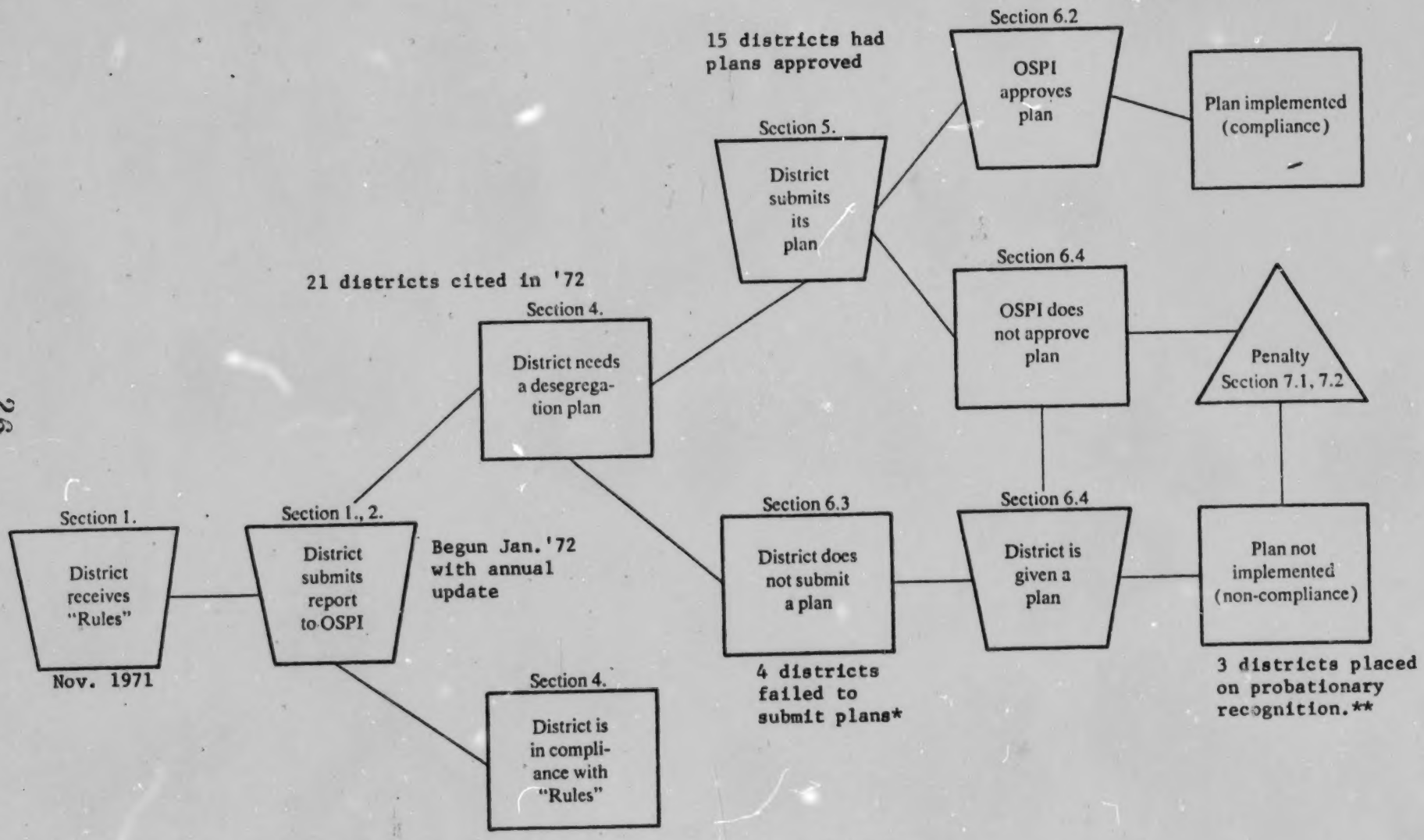
State Problems in Desegregation

1. What should OSPI do to enforce State desegregation regulations?

A letter informing the Chicago Board of Education and 20 other districts of non-compliance was sent by OSPI in 1972. The Board of Education of the City of Chicago has not replied to this letter. Following the procedures outlined in the State regulations, OSPI has offered technical assistance to the Board of Education in preparing such a plan. These offers have received no response. Under the present regulations OSPI is now authorized to prepare its own plan

FIGURE I

COMPLIANCE PROCEDURES



*Those districts are: Chicago, Argo-Summit, Hazelcrest, and Chicago Heights

**As yet no action has been taken on Chicago.

for desegregation in Chicago and implement that plan in the Chicago system. If the system refuses to cooperate, it can be held in non-compliance and adjudged non-recognized by the state. That would result in the city being ineligible to receive State funds. Because the Board of Education has apparently chosen to ignore its legal responsibilities to the State, the responsibility for action will now rest with the State Board and OSPI. The facts of the situation for Chicago are clear: the city is a segregated school system according to State law and refused to comply with the requirements of that law for eliminating segregation. The question remains as to what action the State Board will take in view of this refusal to comply.

Court Action: The Waukegan and Rockford Cases

2. How have the Courts supported desegregation efforts?

The Supreme Court of Illinois has ruled (in the Tometz case) that the Armstrong Act could in fact be enforced in Illinois school systems. This ruling, which arose in a case involving the Waukegan Public Schools, is controlling for the entire State. Since the Waukegan decision, court actions have been undertaken in other school districts to enforce these regulations. The Federal court action now pending in Rockford is worth noting.[11]

The Rockford Board of Education was required by the State to prepare a plan for desegregation. Using an advisory committee representative of the community, a plan was prepared. However, that plan was rejected by the Board of Education and a second, less comprehensive plan was passed by the Board. The second plan is based on a variety of voluntary desegregation programs. An injunction was sought preventing the Board from implementing that plan and requiring it to implement the previous, more comprehensive plan. This case has not yet been decided. The Board of Education has been permitted by the court to proceed with the implementation of the voluntary plan. But the Board of Education must report to the Court in March, 1975 to document the effectiveness of this approach. School officials in Rockford feel that the voluntary plan can be successful in desegregating the system if sufficient State and Federal funds are provided. This raises the issue of whether additional State funding can be provided to city school systems who are proceeding to implement desegregation plans drawn up under the existing regulations.

The ruling of the Illinois Supreme Court referred to above is reflected in many other decisions of courts in other states. Both Federal and State courts have upheld the ability of states to require school desegregation within local school districts. And in some cases, Federal courts have required planning and desegregation efforts which involve housing and municipal authorities as well as school boards. Although none of these other court rulings apply directly to Illinois, the legal principles being developed and defined in these rulings can be applied in Illinois by local courts.

Federal Enforcement in Cahokia

3. How has Federal enforcement recently become more active?

Some OSPI staff have reported a change in the posture of HEW and Justice Department officials with respect to enforcing school desegregation laws. The past few years have been characterized by inaction by Federal officials in this regard. However, it now appears that there is a change in attitude and increased activities in enforcement areas.

For example, the Cahokia School District has been held to be in non-compliance with State desegregation guidelines. The Federal officials have not become involved with this until recently. But they now appear ready to withhold Federal funds from the Cahokia School District in order to enforce the Federal desegregation guidelines in conjunction with state action.

In addition, funds under the Emergency School Assistance Act have been withheld from the Chicago Board of Education by HEW. This fund withholding has been on the grounds that the Chicago Board of Education has been moving too slowly in implementing its faculty desegregation plan. At present, however, the Board of Education does not appear to be prepared to change its action in this matter.

New Federal Studies

4. What has the Federal Government done to assess State and local desegregation efforts?

In addition to the changing attitude with respect to enforcement, the Federal government has two studies of desegregation procedures under way. One is a comprehensive compliance review of cities in the U.S., including Chicago. This compliance review will be a detailed study of the operations of the school district and the extent to which they comply with HEW regulations on school desegregation. In addition, a study by RAND Corporation has been funded through Title IV of the Civil Rights Act. This study is an evaluation of the technical assistance being offered to school districts under that authority. The study will include examination of the manner in which Title IV programs have been administered by State Departments of Education.

These factors are all evidence of increasing State and Federal activity and interest in the school desegregation as an issue. So while local governance structure may be rather disinterested in desegregation, these increasing activities at the Federal level and in the courts have the potential to force the issue.

Desegregation Strategy

5. How can a realistic desegregation policy for Illinois be developed?

Aside from the question of how desegregation policies are to be enforced there is the more fundamental question of what are the best approaches to desegregation and equality of educational opportunity from an educational point of view. That question may be divided into the following issue components:

a. Should the main emphasis of desegregation efforts fall on the schools or should policy emphasize housing policies, zoning laws, and other economic and political factors which relate to the causes of residential segregation?

b. What are the alternative reorganizations of the school operation to desegregate students, such as special interest schools as are operated in Rockford, grade reorganization, building programs, etc.

c. What forms of preparation for desegregation of various forms are necessary to be sure that students, professional staff, and communities will gain the most from the process and that damaging conflict can be resolved?

d. What are the educational components of desegregation; that is, educational policy must include attention to the changes in staffing and instructional programming which should accompany desegregated schools. This would include attention to human relations training staff for staff and parents, new curricular offerings related to the needs of minority and majority students in new interactions, etc. Programs under the Emergency School Assistance Act in districts outside of Chicago are intended to address these questions. But Chicago is not eligible for these funds until greater faculty desegregation is achieved.

Each of these policy areas is too complex to deal with in detail in this report. They are presented here to highlight the need for further attention to these questions as important parts of the State's role in urban schools.

State Role in Desegregation

The state role in this area, especially the State Board of Education, must be placed in context with the other principal actors: (1) HEW, (2) Federal courts, (3) state courts, and (4) the Chicago Board of Education. (Although the General Assembly is always a potential actor, it seems unlikely to take decisive action in the near future so is not discussed.) It is useful to distinguish between policymaking and enforcement. By making this distinction it is possible to identify how the State Board and OSPI can make a constructive contribution in the areas of enforcement and policymaking. Therefore we will discuss the role of the State Board in terms of what new educational policy is needed, as well as how the preceeding section on existing policy is enforced.

Existing policy of interest for desegregation enforcement is based either in Federal or state constitutions, court precedent, or state law. So there are already existant clear definitions of what constitutes segregation or what are permissible remedies. The State Board may attempt to change existing policy in the enforcement arena, but such changes are certain to be reviewed and possibly overturned by state of Federal courts. So the critical issue is whether the state will enforce the existing legal mandate to eliminate racial segregation.

But the state has a responsibility which goes beyond the enforcement role, growing out of the dilemma of regulation v. support of the local schools. The other horn of the dilemma cannot be escaped. Therefore we turn our attention

to topics which can be called the educational policy content, as opposed to the regulatory policy role of the state.

Those topics are the educational consequences of segregation and desegregation. We make this distinction because many of the causes and many of the remedies for segregation are outside the usual boundaries of educational policy. School boards cannot on their own or in the short run change housing patterns or economic conditions. Yet school boards must work with the enforcement officials and agencies involved in solving the problems of segregation. To work effectively toward solutions, a sound base of educational policy is needed.

In short, it seems necessary for the State Board to go beyond the legal questions of enforcement and deal with the educational questions:

1. What are the educational consequences of segregated education and what programmatic responses are indicated?
2. What are the educational consequences of desegregation and how can schools be prepared for change in racial or ethnic makeup of the student or faculty population?
3. What new programs for students and teacher preparation are needed?
4. What facilities are needed to promote both desegregation and improved instruction?
5. How can administrators and others who deal with the conflict associated with desegregation be prepared?
6. What problems of educational opportunity and quality are common across segregated and desegregated schools and what state responses are indicated?

All of these concerns go beyond the matter of pupil assignments and racial balance calculations which seem to dominate the discourse about desegregation. As long as this dominance exists it will be quite difficult for boards of education to deal with both enforcement and the educational policy questions which should be their foremost concern.

Related to the way pupil assignment issues dominate discourse is the tendency to view large systems as one, huge desegregation problem. It is common to hear the entire problem of desegregation and educational opportunity in Chicago (and other large systems) reduced to the question of how far you would need to bus pupils to get an even racial distribution. That kind of over-

simplification of the issue is self-defeating. Large school systems include enormous variation among areas. The problems are different and so are the possible solutions. Strategies are needed which recognize these variations and deal with the large school systems in parts, rather than as one, unmanageable whole. This does not mean to actually subdivide the city systems, but rather to fit the solutions to the characteristics of the problem situation and not deal with the city school system as a monolith.

The current organization of OSPI efforts in the area of desegregation reflects this idea of separation of enforcement from educational issues. Assistance to districts involved in desegregation is the responsibility of the Equal Educational Opportunity office, while compliance enforcement is handled by the Recognition and Supervision office. This functional division seems both advisable and workable (and may be a useful model for other areas of the state education agency as well). But if there is to be a large commitment of state effort to the educational problems of desegregation, there should be a comparable commitment of resources. At present, the assistance to desegregating school districts is funded almost entirely from Federal sources. But when viewed as an education problem, desegregation is more directly related to the basic purposes of the state agency. This change in view could result in additional new resources to the current operation, or the assignment of resources from other areas of the agency to reflect changing priorities.

While we emphasize the role of the state in the educational policy aspects of desegregation, there is a role in the enforcement process as well. Part of that role is already clearly defined administratively in the regulations and guidelines issued by OSPI in 1971, and need not be repeated here. But there remains the question of how these state efforts are to be coordinated with the courts and the activities of HEW. Since there are several overlapping jurisdictions involved, coordination could be quite troublesome. This problem is illustrated by the need to coordinate the work of HEW in the Title VI compliance review in Chicago with the existing efforts of the Equal Educational Opportunity office and the compliance efforts of the office of Recognition and Supervision. But there is little reason for duplication of effort and organizational conflict. Avoiding these will require some initiatives from the participants and some careful planning of activities. The overall goal of equality of educational opportunity is not the province of any single level of government or agency and requires the best effort of all.

FINANCING THE CITY SCHOOLS

Finance issues share the high priority status with desegregation as a result of the consideration of these basic questions:

1. Importance - The finance of schools is the largest single item in the state budget and central to the support and regulation role of the state. Both the quality and equity of the school system are intimately related to the finance system.
2. Jurisdiction - Control of school finance is shared between the state and locality; the state sets the mechanism and grant levels, and the locality determines the rate of local expenditure. However, full state control of spending levels is within the fiscal powers of the state.
3. Feasibility - Recent actions have shown that substantial improvement of the equity in the finance system are possible by "leveling-up", i.e., raising the funds for poor districts. However, continued reform at these high cost levels is much more difficult, as is linking increased funds to increased educational product. But past successes suggest that continued progress is possible.

The finance system is at the heart of the relationship between the state and the city schools. The state has, according to the Constitution of Illinois, "the primary responsibility for financing the system of public education". (Art. X, Sec. 1) This does not necessarily mean providing the majority of resources, but it does mean creating the arrangements through which the schools are financially supported.[1] The finance system is also the main mechanism of enforcement of state regulations and standards on local school systems. Through the Superintendent of Public Instruction, the state has the power to withhold funds from schools for a variety of reasons, through special program cut-offs, or through the denial of state recognition. In examining the issues of school finance, we turn first to the rationale for state involvement in the financing system. Next we examine the main features of the current finance system and the policymaking framework in which it was created, then the emerging issues and problems involving the fiscal role of the state. The special problem areas are: (1) impact of the finance system on low tax effort areas, (2) control of the use of new funds provided under the new system, (3) changes in the Federal definition of children eligible for additional assistance, (4) funding of special programs, (5) impacts of

dropping enrollments, (6) use of fiscal sanctions, and (7) competition with higher education.

A major role for the state in the financing of the urban school has a firm foundation in tradition and reason. In the early 1900's when cities were the center of all the state's wealth, the state intervened in the financing of schools in rural areas to insure some equality of opportunity. In more recent times, when the fiscal problems of the cities and urbanized areas have become more noticeable, many states have enacted special programs of aid to help finance city schools. In addition the Federal Government has created Title I of the Elementary and Secondary Education Act to funnel more funds into areas with concentrations of poor children. So there has been some response to the special needs of the cities for fiscal assistance.[2]

There has also been recognition that to allow great disparities in resources among school districts in a state is neither wise nor equitable. Because of great mobility among the population and the widespread effects of education, there is a good reason for the state to insure at least an acceptable level of educational progress for all its citizens. Moreover, the courts in several states have ruled that school finance systems which produce large differences in available resources among school systems violate the state constitutional mandates for educational opportunity and equal protection of the laws.[3] As a result, the reform of school finance laws has been the target of much activity across the country, and with some substantial success in Illinois. The nature of the new school finance system in Illinois is a major subject of our interest here, due to its special effects on the cities, and its crucial place in the overall relationship between the state and the local school districts.

With the new school finance law, the so-called resource equalizer, the state redefined its fiscal role.[4] First of all, the General Assembly acknowledged an increased responsibility for the overall support of the schools. When the full effect of the new system is felt, the state share in the financing of the schools will be approximately 50 per cent, up from less than 40 per cent under the old system. (Full phase-in of the system is planned for 1976-77.) Not only does the new law increase the overall state contribution, but the distribution of funds was changed as well. The resource equalizer increases the state contribution to low-wealth school districts, increases

the level of funding of some dual school districts discriminated against under the old system, gives higher aid to high tax districts, and boosts the funds to the cities. Each of these features of the finance system has important implications for the state role and deserves some attention. But first we will describe the process of finance policymaking in which this new program was launched.

Policymaking Structure

The school finance system involved the tax and political systems of the state and local areas. So decisions on the method of funding the schools are directly involved with the overall public finance sphere. So no matter how far schools are removed from politics in rhetoric, the real link is quite close on fiscal matters. Finance policymaking definitely involves the School Problems Commission as the main link between the professional school governance structure, the General Assembly, and the Governor. The SPC also employs its own consultants from the universities. The place which the new State Board of Education is to take in this policymaking arena is a question of considerable interest which we will take up in a later section. For the moment, we will describe the manner in which the current policymaking process operates.

The School Problems Commission (SPC) is the central actor in this process. Its makeup and operation can be understood as a response to the problem of the link between education and politics. Finance policy cannot be decided in a vacuum, but must be considered in light of the total fiscal structure of the state. Because it is composed of key legislators as well as professional educators, the SPC links the two spheres. Moreover, the legislative members of the SPC are generally recognized by the General Assembly as educational experts; the current Vice Chairman is a public school teacher. The SPC employs analysts at Illinois State University and elsewhere to provide research support for its policy development.[5] Thus the SPC provides a structure to develop and design policy which has professional educational input, but is at the same time closely linked to the political system. The legislative members can insure SPC proposals will meet with approval in the General Assembly. This structure is one reason for the exceptional success achieved by the SPC in the passage of legislation it proposes, most particularly, the Resource Equalizer Finance bill (H.B. 1484).

This structure can be compared to those found in other states. In New York, Regents (State Board of Education) are responsible for the development of school policy. However, their fiscal proposals are seldom taken seriously in the legislative process. In fact, they are typically dismissed as unrealistic in terms of the political realities of the state government. The implication is clear that the Regents do not develop policy in close connection with the political system, although their work can certainly be characterized as professionally well-informed. The Conference Board, a formal coalition of educational interest groups in New York with close political ties, had been responsible for most finance proposals of the past. But that group has faded as a force in educational politics. Instead, the Governor and legislature have added educational professional staff of their own to develop and analyze policy in the finance areas. There is no central clearing point for policy review, so conflict over alternative proposals is common. Even the work of a massive school finance study commission (The Fleischmann Commission) have gone nowhere, due to the political infeasibility of many of their proposals.[6]

In California the development and analysis of finance policy is organized as an adjunct to the legislature, through consultants and legislative commissions. The superintendent of public instruction and the state board are consulted on finance matters, but the majority of the work goes on elsewhere. Because of his tax and government spending policies, Governor Reagan has also taken a direct interest in school finance matters in California. Thus the policymaking process is tied directly to the political structure and the professional input comes through consultation with the educational administration of the state, and through analysts in direct employ of the legislature.

The Michigan situation is somewhat ambiguous. The major school finance proposals of the recent past have come from the Department of Education and the Governor. In fact Governor Millikan has made school finance reform a major objective of his administration. But while the input of the Department of Education is clearly professional, it is also closely but informally linked to the political structure. According to observers, the Superintendent of Public Instruction works closely with the legislature in all matters, and particularly such important ones as finance. The State Board of Education

is also more closely tied to the political structure, since it is elected on partisan ballots. Thus there are ways to link the professional and political interest in policy development but less of a formal structure for doing so.[7]

These observations suggest something less than a decisive role for the State Boards of Education in school finance matters. This was borne out in our examination of the three states mentioned above, and reinforced by the findings of Campbell and Mazzoni in the twelve-state study. This situation poses a special problem, not just for Illinois, but for the other states as well. The problems of school finance are becoming more complex. The simple solutions which may have worked in the past will not suffice. Finance systems of the future must deal with questions of educational productivity and accountability as well as the standard tax and distribution matters. The funding demands for special programs (such as Special Education and Bilingual Education) are multiplying, each with its unique set of requirements. Developing sound policy for these increasingly complex finance issues will require more professional input. And because such critical issues and large resources are involved, the links with the political structure are vital. The question of how these relationships are to be structured and managed should be a matter of foremost concern to the new State Board. It is within these new structures and relationships that policies will be developed to deal with the general problems of school finance, and the special issues discussed below.

Special Problems in School Finance

Resource Equalizer

1. How does the "resource equalizer" change the school finance system?

The new Resource Equalizer provisions in the school finance system have three main effects: (1) make more state resources available to school districts with relatively little wealth so that the total expenditures per pupil are increased to near the state average, (2) provides additional funds to large school districts where there is a concentration of pupils from poor families, and (3) rewards school districts with high tax rate for their greater effort with greater state funds. The latter two effects are of particular concern to the city school systems. There are, of course, greater concentrations of poor families in the cities than in other districts. And the tax rates for municipal services in cities has an effect on the school tax rates. The tax rate problem is the first concern.

Unless school districts tax themselves at at least the qualifying rate they are not eligible for the full benefits of the new finance system. Most noteably Springfield, and some other districts in the state, are below this tax rate and will have to raise taxes considerably to qualify for full benefits. The low-tax situation in Springfield is a result of the effects of other municipal demands on the tax base and the presence in the city of large numbers of State workers who maintain voting eligibility elsewhere. The remaining, less affluent population is less willing to raise school taxes. The state employee problem is unique to Springfield, but the effect of municipal tax rates is not. Cities typically have two to three times the municipal tax rate of outlying areas, with correspondingly lower school tax rates. Thus it is somewhat more difficult for cities to raise school taxes. This is a special problem for Springfield because it is below the qualifying rate. But since the finance system rewards tax effort, this is a concern for all cities or other areas with high non-school tax rates.

Title I Concentration Formula

1. How has the state compensated districts with high concentrations of children from low-income families?

This problem for the cities is somewhat alleviated by the part of the state finance system which grants additional funds according to concentrations of pupils from low-income families. Federal regulations for eligibility for aid under Title I of the Elementary and Secondary Education Act are used to define which pupils are to be counted for <u>state</u> grants under this provision. So it is a Federal, not state definition which is the basis for this extra state aid to cities. The impact of the current special aid provision is not yet known, since the funding is phased in over the next three years. But any change in the Federal definition could have a substantial and unanticipated effect on the distribution of state monies. An adjustment in the legislation to control the possible effects of Federal action should be studied.[8]

The new state funding mechanism provides substantial increases for many districts. The cities, especially Chicago, receive additional state funds under the so-called "Title I concentration" provision discussed above. These new funds for children from poor families are intended for use in special programs which will benefit those children. The School Code requires

that plans be prepared by the school districts receiving these funds and that the plans be reviewed and approved by OSPI. [Section 18.8 (k)]. The purpose of the plan is to ensure that the new state funds are concentrated on the neediest pupils. However, to date, this planning requirement has not been enforced. To our knowledge, no such plans have been prepared or reviewed. Without such control mechanisms, new funds to the city school systems will most likely become the subject of collective bargaining and result in general increases in teacher salaries and benefits, rather than concentration on special programs for the disadvantaged children.

Special Programs

1. What funding problems are created by special programs?

Special programs for disadvantaged children as well as other types of special programs present a complex set of funding arrangements. The two of most immediate concern are Special Education and Bilingual Education, although vocational education and ethnic education are also areas of increasing interest. For handicapped students, a local district has the option of providing a special education program for those students or transferring them to a separate special education district or organization. The school district is entitled to a state reimbursement for keeping the special child in the system. But that reimbursement is usually lower than the full cost of the special program for that child. Therefore the district has an incentive to transfer the child to some separate program. However, the current best thinking on special education strongly favors "mainstreaming", that is, having special education pupils spend a substantial portion of their school time in classes with normal children. Thus the funding mechanism is in direct conflict with best educational thought.

Along with the fiscal mechanism, the identification of special education pupils presents problems. The school system is responsible for special education problems from pre-school-levels through and past high school. The standards for identifying eligible children are the subject of dispute. First, since school districts are reimbursed more for special students than others, there is some incentive to stretch the definitions. Secondly, children with problems other than physical or mental handicaps can be identified as

retarded when all they have is a language problem. On the other side of the coin, there are claims that large numbers of children who are rightfully eligible for special education are not receiving it due to the shortage of proper programs. Under recent Federal court rulings, handicapped children may not be excluded from schools and must be provided with education programs suited to their needs.[9]

Declining Enrollment

1. How should state fiscal policy deal with declining enrollment effects?

Total enrollments in the large cities continue to drop. In the past year, Chicago has lost over 29,000 in enrollment, although the rate of loss is diminishing. The implications of these demographic changes for desegregation in the cities has been discussed above. But the finance system is affected as well. The state system of support is geared to the number of students in the schools system. Local tax revenues, however, are not. Also, the concentration of poor pupils in the cities makes the school system there eligible for additional aid, balancing in part the losses due to falling enrollments. As a consequence, the total expenditures per pupil can rise considerably. At the same time the smaller numbers of pupils will result in program reductions and the closing of facilities with correspondingly fewer teaching positions.

The first evidence of this type of program cut was this past fall when the Chicago Board of Education reduced programs and staff in several areas, while granting an increase in teachers' salaries under the new negotiated contract. There are strong indications that the teacher organizations are prepared to resist the elimination of many teaching jobs, and urge instead that class sizes be reduced and other so-called "quality improvements" be made by the school system.

Thus, two questions are raised: (1) how can the productivity of teaching staffs be improved or at least kept constant in light of falling enrollments and increases in teacher salaries and (2) how can strategies for program reductions and closing down of school facilities be coordinated with the obvious needs for rehabilitation of many school buildings in the cities. Both of these matters are central to the finance policy of the State Board and have serious implications for the overall fiscal needs of the city schools.

State Role in School Finance

The remaining finance question is a matter of the place of school finance systems in the regulatory function of the state, and OSPI in particular. The most important, and most cases the only, enforcement mechanism available to the state in matters of violation of law is the withholding of state funds. This can come through declaring a school in nonrecognition status and thus ineligible for any state funds, or through withholding Federal funds administered through OSPI. While this seems a serious threat on the surface, it is in fact unsatisfactory as an enforcement and regulation mechanism. First of all, it can have the effect of punishing the school children for the failures of the school board and administration--an unenviable posture for a state education agency. Moreover, the act of withholding funds is seldom consummated, either because the consequences would be too drastic for the school system or the political consequences too costly for the enforcing agency. Especially for the large cities, there is a direct channel to the legislature through the city's legislative contingent. The thought of an outraged legislature removing authority from the education agency is a specter well known to OSPI staff who have considered following through in a threat to stop funds. In short, fund stoppage is an inadequate regulatory mechanism.

But a workable regulatory mechanism is clearly needed. In the case of desegregation policy, the lesson of history is clear. The threat of fund cut-offs was seldom sufficient to enforce a legal requirement. Injunctions with the threat of criminal prosecution along with actual funding stoppages were required in almost all cases. But the use of court action is cumbersome and slow, and the courts will seldom if ever assume operational responsibility for a public agency. In other states, such as Pennsylvania, the state agency is empowered to declare a school system distressed and assume control until the problems can be resolved. Such a mechanism might be useful in a case such as East St. Louis. There, should board members and administration be convicted of the crimes for which indictments have been obtained, several would be removed from office. But that would not solve the problems of the school system itself and the aftermath of apparent gross malfeasance by the responsible school officials. In addition to such severe measures, less drastic methods such as state in-

spections and investigations of improper operations might be authorized. Such studies would have the effect of highlighting wrongdoing or inefficiency in school systems and might be a more credible threat to resistant school officials than cutting off funds.

The financing of elementary and secondary schools has, in the past, been handled largely independently from higher education at the state level. But several writers have suggested that open competition for funds between the two levels would emerge, especially as the state share of funding the lower schools increases.[10] This appears to be the situation developing in Illinois. The new Resource Equalizer finance law increases the state share of the funding of lower schools. The full funding of that legislation has been at issue and will probably continue to be in each budget cycle. This larger bite of the total state budgetary pie will probably mobilize the higher education interests into open conflict with the State Board and the lower school organizations. Thus the State Board is faced with the question of whether or not it will be the advocate for increased financing of the lower schools in conflict with the higher educational institutions and other components of state government. The alternative is either an alliance with or separate negotiations with the Board of Higher Education and related interests before any proposals are presented to the General Assembly and Governor.

SCHOOL GOVERNANCE AND POWER

This section examines issues of school governance and power in terms of the basic questions of the study:

1. Importance - Governance and power are of central importance to the improvement of urban education since the structures of control and the distribution of power determine the content and processes of schooling.
2. Jurisdiction - The full responsibility for the structuring of the governance of schools rests with the General Assembly and the state education agency under the Constitution. These structures largely determine or constrain power relationships.
3. Feasibility - Several significant governance actions have been taken in the past, i.e., school reorganization and the Commission on Urban Education. These acts suggest that further reforms are possible, within the framework of these existing structures or through new ones.

The basic problem underlying all these issues is how should the state respond to questions of who shall control what in the city school systems.

Policy Making Structure

Although this is basically a political question, the response of the state agencies to date has been to treat it more as a matter for professional decision-making. The major link between the professional and political structures, the SPC, has not been deeply involved. Instead, a Commission on Urban Education was created in 1969 to examine the problems of school decentralization in Chicago as a research and professional question.[1] The Commission on Urban Education (CUE) is similar to the SPC in that it consists of both political and professional members. It should, therefore, link the two structures and deal with both kinds of questions. However, the basic function of the CUE has been to treat the problem as a research question, to be answered from the results of school governance experiments conducted in large school systems. The CUE was given a broad grant of powers to coordinate educational activities in urban schools, but the Commission has been a low profile operation. In addition, the basic

posture of the legislation creating the Commission is one of support of voluntary restructuring, rather than enforcement of any particular state policy on governance. The legislation provides authority to provide grants to school districts which choose to participate in governance experiments.[2] However, the administrators interviewed claimed that the actual costs of reorganization within the system were great and much more support from the state was needed.

The matter of school governance directly involves the power relationships among the educational actors in the state. Their interests in these issues are readily described. School Boards and their Association as well as administrators are generally opposed to school reorganization and changes which further erode their power. These groups feel embattled by the increases in teacher, parent, and student militancy of the recent past. Therefore measures which reduce the numbers of school boards (school consolidation) or redistribute the powers of existing school boards are likely to be resisted. Although the IASB is dominated by suburban and downstate districts, it is likely that the organization would support the current Chicago Board in any threat to its power. Members of the Chicago Board have made efforts to build an alliance with the IASB; the President of the Chicago Board is on the Association's Board of Directors. And, the Chicago Board sponsors visitations of the Chicago Schools for IASB members. The Chicago Board can easily support the IASB in resistance to school consolidation downstate in exchange for support by IASB of maintaining central control in Chicago. Thus, alliances on this dimension are to be expected.

Teacher and administrator organizations are also likely to favor maintenance of existing authority patterns in the central boards. It is certainly more in the interests of these employee organizations to maintain good relationships with one central authority, than to deal with a proliferation of parent and community groups in a decentralized school system. The same reasoning would apply to other school employee organizations.

But there are many who wish to redistribute power. Advocates of diminishing the power of the central board and reorganizing the control of schools by regions within cities usually fall in two groups. One is generally composed of groups representing racial and ethnic minorities who feel that the schools are not

serving them. They feel ineffective in changing policy significantly at the central level. Included in this category are those who are more interested in the local political organizations and their development, than any particular educational objective. The other group is more professional in composition and consists of critics and educational analysts who have reason to believe that reorganization will produce better educational programs.

The most potent argument of the advocates of power redistribution within the system involves a close relationship with desegregation. Since the racial and ethnic minorities are isolated, and since the political structure seems unwilling to provide desegregation, it is argued, then at least let the communities run the schools and provide their own quality programs. There is an implied threat included as well. That is, if the authorities will not relinquish some control, the representatives of the segregated groups can force legal action on desegregation, with much potential for disruption.

The current situation in Chicago is somewhat ambiguous with respect to the division of power among subdivisions of the city. An administrative decentralization plan has been implemented, dividing the city into smaller administrative units. There are three areas, each with an Area Superintendent. Within each area are approximately 10 districts, each with a separate District Superintendent. Each of these administrative units has some authority delegated from the central board. But the final authority in all matters rests with the General Superintendent and the central board. In addition to the administrative restructuring, there are community councils for each school building which advise the principal. The individual councils send delegates to district and area councils which advise the administrative staff at those levels. These councils have become quite militant in some areas, especially in their role of reviewing school principal assignments which is discussed in some detail below.

The rearrangement of administrative structures within the Chicago system is not directly a state issue, since that is within the discretionary powers of the local board. But the transfers of authority to any parent or community groups do involve the state, since the school boards are not allowed under the school code to further delegate their authority. Thus, there is much dissatisfaction with the current arrangement. Although the operating authority

is disbursed through the system, all lines lead back to the central board. As a result, some community groups feel that they have not achieved any real increases in influence on the operation of the schools. More extensive decentralization has been tried on an experimental basis, such as in the Woodlawn district. But some school officials and local groups expressed dissatisfaction with the nature of the decision-making process, the high levels of conflict produced, and the lack of "real" grants of power. That problem is discussed later in this section.

In addition to the structural reorganization matters, power can and has shifted within the system due to the claiming of constitutional rights by parents and students. The discretion and operating area of school officials has been restricted substantially by court decisions involving due process, First Amendment rights, and access to information. These are all power shifts of another type and are included in this section.

Special Problems of Governance and Power

Reorganization Within Large Districts

1. What effect will intra-district reorganization have on desegregation efforts?

The most difficult problems arising in the question of reorganization within city districts are those of equity and desegregation. Subdividing city school systems into smaller units of operation would undoubtedly further isolate and segregate many of the racial and ethnic minority pupil concentrations. Not only could desegregation problems be exacerbated, but providing adequate resources and programs to these units would be hampered. Now students potentially have access to most of the special programs and resources of the city system, such as specialized high schools, magnet schools, special education programs, etc. It might not be possible to reproduce these opportunities for all children in the sub-units of the system.

Many of the economic and social problems of poor and disadvantaged sections of the cities produce two additional problems which complicate local control processes. First, there is a shortage of resources, particularly trained persons with experience in governance and operating organizations. Similarly,

there are fewer persons with enough economic leeway and free time to devote the needed attention to school affairs. Secondly, in many areas of the cities, social agencies and especially schools are the only accessible institutions and therefore the natural targets of community political factions and organizations. The result is a concentration of political attention on schools as "the only game in town." The resulting high levels of conflict, in conjunction with lack of governance resources, can often paralyze decision making.

This conflict problem is exacerbated by the heterogeneity of many urban areas. Racial and ethnic factions are compounded by differences among groups in economic status and social philosophy. Therefore, while client participation in school decision making may increase, the decision processes may become more cumbersome and conflictual, with no real consensus possible in some cases. This raises a second problem of educational governance related to the professional versus the political control dilemma. That is, there is a great deal of mobility within the city, not only in terms of change in housing location, but simply in terms of going from home to work, and to other activities. People of different groups mix on a daily basis. The economic and cultural lives of the cities are much more integrated racially and ethnically than the schools or the neighborhoods. It is in these integrated economic and cultural spheres where many common educational goals are important, such as basic skills, citizenship, common values. Notions of local community preferences for education are least relevant in these spheres. But some local goals <u>are</u> relevant. This sets up a tension between local preferences and the economic and social needs of the city as a whole. This is one of the key issues which must be dealt with in any state action in this area.

School Client Participation

1. What decision-making authority should the community have?

School client participation in professional hiring and evaluation is a closely related issue. Professional groups are predictably resistant to such a procedure. There is a strong commitment among professionals to self-regulation of qualifications and certification procedures. But advocates of community control

and political decentralization of the schools argue that without control over the hiring and promotion of the teaching and administrative staff there is no real power over the school program. This issue arose in Chicago in the form of legal action. The Chicago Principals Association (CPA) sought an injunction preventing the Board from appointing any new principal until two of its members have been appointed.[3] These two candidates have passed their examination and are on the principal's list. But they were rejected by the community councils in the schools for which they were nominated. The CPA claimed the Chicago Board could not delegate this responsibility to community groups, and must abide by the statutory procedure. Since the hiring and examination is governed by statute, this is another area where state policy is involved. The injunction was refused, but there may be an appeal.

One additional area of parent power where the state is directly involved is parent participation in Federal program administration, especially Title I (Elementary and Secondary Education Act). Federal law calls for parent involvement in funding and program policy. It is the responsibility of OSPI to supervise and enforce these regulations. If these regulations are not met, Federal courts have ruled that the funds may be withheld and school officials held responsible for misuse. In Pennsylvania, for example, a Federal District court appointed a committee of outside experts responsible to the parents, not the school board. This expert committee then administered the Title I programs.[4] Here the state responsibility is clearly defined, but it is not clear that adequate administrative mechanisms exist to fulfill that responsibility.

Student Rights

1. What areas of educational policy are affected by recent re-definition of student rights?

The courts have placed new boundaries on school officials' power in the areas of students' rights. As a consequence of Federal court decisions, students' rights to freedom of expression are broader and administrators' discretionary powers limited accordingly. The same applies to requirements for due process when students are disciplined or denied access to school by suspension or

expulsion procedures. School officials may also be constrained from using corporal punishment without parental permission. In this matter, former Superintendent Bakalis has issued state regulations paralleling these recent court decisions. These new regulations were met, it should be noted, by strong protests from local school officials. They claimed that OSPI had usurped local prerogative in so acting, whereas the legal principle on which the regulations are based was already well established.[5]

Parent Rights

1. In what areas have individual parent rights to affect educational policy been changed?

Parent's rights have received attention in the courts as well. Most recently, rights to access to school records have been opened by court decisions and recent Federal legislation. School systems will require some assistance and guidance from the State board in regulating the access process and instituting appropriate procedures.

Especially troublesome in this regard are the many hearings or other quasi-judicial procedures required under recent due process requirements defined by the courts. These hearings are complex to arrange and consume large amounts of administrator time and other school resources. This is another area where some state supportive activity is worthy of considerations.[6]

State Role in Governance

This section examines the group of issues which revolve around the structure of school policymaking at the local level and the manner in which the distribution of power in that governance structure is an issue. The importance of the state as an actor in the governance structure of the local schools is well established. All the powers and structures come originally from the legislature and the constitution. The state has been active in school district reorganization efforts for many years, resulting in many rural and downstate school systems being consolidated. State statutes and courts control to a large degree how the various powers of the school district are shared among the board, the administrative staff, teachers, students, and lay persons. One element of this

topic is clearly a large city issue: decentralization of control and participation in school decisions by lay citizen groups within the school system. The other matters of student and parent power on specific issues of rights and due process are more general and affect all school systems in the state.

The role of the state in coordinating resources for urban schools and experimenting with improved structures is already established through the Commission on Urban Education. Considering the broad grant of power given that Commission, it has been relatively inactive. But the Commission provides an organizational base and legal authority to help discover more effective school governance structures as well as to improve the efficiency of resources use in the city systems. Since the Commission is composed of 10 legislators as well as 4 public members , it provides a link with the political structure which is analogous to the SPC. It is thus in a position to move in this highly important issue area. All that would be necessary to initiate some action would be provision of resources in the education budget, and a mechanism for close coordination with the policy set by the State Board. The Commission holds great promise in this respect.

However, increasing the functions of the Commission on Urban Education (CUE) raises the issue of state versus local control in the city systems. The position of the Chicago Board, for example, is essentially that the state should provide the necessary funds for the programs designed by the locals, and just leave them alone. Increased participation by state agencies such as the State Board or the CUE would surely create resistance, especially if the efforts had regulatory of evaluative implications. (This is the same problem raised in the context of accountability.) Local boards of education, especially on which the political resources of the Chicago Board, can gain much support to resist encroachment on local turf. It is in the interest of other boards to support any of their members against state action. Therefore state action of this sort is best cast at least as much in the form of assistance as regulation. That is not to say that efforts to control should be cloaked in a false mantle of support. We mean that the strategy must include both components to succeed. The CUE is designed to work in such a way, but at present has neither the staff or program structure to do either. Any proposals or new structures to deal with the governance

issues face the same need for both supportive and regulatory components.

The State Board has a different role in the areas of parent and student rights. In most cases, constitutional rights are involved which neither the Legislature nor the Board may alter. Instead the role should be twofold. The first is to review and enact policies and regulations which insure, to the extent possible, that due process, privacy, and first amendment rights are protected in the context of the laws governing education. This may mean the study of and challenge to long-standing practices which will not stand up to careful judicial scrutiny. The second is to provide the technical assistance and resources to school systems which face added burdens in the guarantee of these rights. For example, handicapped children tend to be concentrated in cities. Where many hearings may be necessary to insure students are properly classified regarding handicaps, the state should consider provision of structures and personnel as well as guidance for this purpose.

Finally, in the area of the conflict between local goals and broader societal goals for schooling, the state has a clear responsibility. Some local variation in goals is certainly permissible and probably necessary; yet some overall standards must be set. It is necessary that the state provide leadership in these areas of dispute so that the general and the local interests can be reconciled. This problem can be particularly acute in cities which commonly have greater concentrations of ethnic or other groups with unique characteristics and strongly held local goals.

COLLECTIVE BARGAINING

The analysis of collective bargaining as an issue is based on these basic points:

1. Importance - Teachers compose the primary work force of the school and teacher salaries are the major portion of the budget. Therefore the process by which these resources are allocated is critical. Moreover, the negotiated contract creates the web of rules within which school program reforms must be carried out.
2. Jurisdiction - At present the state has little jurisdiction in the area due to the lack of legislative authorization. Only the courts have been active. But there are strong indications that new legislation will be forthcoming defining a large state role.
3. Feasibility - Direct intervention by the state in the bargaining process seems a remote possibility. But assistance by the state in training for bargaining and in structuring impasse resolution mechanisms are more likely, as is a state-level policy statement on the scope of bargaining.

The only two legal questions which appear to be clearly defined for the present are: (1) are school boards permitted to enter into collectively negotiated contracts with employee unions? and (2) are teachers in the public schools permitted to strike? Under Illinois law all public employees are prohibited from striking. The Illinois Supreme Court has held that prohibition does extend to school board employees.[1] Therefore in the absence of new legislation that matter is settled as far as the courts are concerned. However, that does not prevent teachers and other school board members from striking anyway. Consequently, strikes have been fairly common. But a school board may seek and generally obtain an injunction against the strike. Thus both the strike and the seeking of injunctions against them become tactics in the bargaining process.

The answer to the second question is just as clear. In the absence of legislative prohibition, the school board is allowed to enter into negotiated agreements with employee organizations. (In fact the first teacher-school board contract was recorded in Illinois in the 1930's.) However, the board of education is not required to recognize employee organizations or bargain with them.

Despite the absence of legislative structure, collective bargaining has grown rapidly in Illinois schools. At present, approximately 300 negotiated contracts are in force between boards and teacher organizations. The process of bargaining has become sophisticated and highly developed in some of the school systems which have had long experience. In other systems, there is still great resistance to the entire concept of a board bargaining with employees. Moreover, there is a great deal of variation in the content and structure of the contracts in force. The teacher organizations and boards have developed patterns of relationships at the local and state levels. Not only do the organizations bargain locally, but the Illinois Education Association, the Illinois Federation of Teachers and the school boards and administrators' organizations participate in policymaking at the state level. These existing contracts and relationships must be taken into account in assessing the state role and planning policy.

The present policy of the state education agency has been largely one of support and little regulation. Without specific authority to regulate, the OSPI has offered lists of mediators to school districts involved in the bargaining. Conferences and workshops on labor relations have been held to assist and instruct school officials. In addition, the OSPI has acted as one of the principals in helping draft some legislation on collective bargaining which is now before the General Assembly and mediated the differences between competing interests in forming the legislation. Former Superintendent Bakalis has gone on record favoring legislation to bring order to what he called the chaotic situation which now exists. But as legislation is passed, the role of the state will definitely shift to a more regulatory mode. Most of the proposed legislation has included some sort of state-wide board to regulate the bargaining for schools and enforce the regulations and impasse resolution mechanisms. Whether the State Board of Education should participate in the regulatory function, or continue in the support role and leave the regulations to a separate agency is one of the central structural issues which any new legislation must deal with. The bill which now seems to have wide support (S.B. 1391) places the regulatory role in a separate labor relations board. This matter is taken up in some detail below.

Policy Making Structure

The relationships between the school systems and the political systems are as direct in the area of collective bargaining as in that of school finance discussed above. To begin with the teacher organizations are political forces in state and local politics. Moreover, there is some important political conflict between the two major teachers' organizations in the state. So before discussing the components of the issue area, we examine the links with the political structure.

The teacher organizations and the school boards are clearly the major interests in the bargaining structure. The teacher organizations are split at the state level into the Illinois Education Association (IEA) and the Illinois Federation of Teachers, AFL-CIO (IFT). The IFT is primarily an urban-based organization, with the bulk of its membership in the Chicago Teachers Union (CTU). The IEA membership is larger overall than the IFT, and is found primarily in the suburban and rural districts. So while their general interest in teacher welfare is shared, they do in fact represent different constituencies. The CTU is closely identified with the Chicago Federation of Labor and the Chicago political structure. It is less active in state politics. Conversely, the IEA is quite active at the state level and has devoted considerable resources to supporting legislative candidates and lobbying for various of its programs.

On the major issues of collective bargaining legislation there are differences between the two organizations. The IEA has been a strong advocate of state legislation. It stands to gain by having bargaining begun in the many down-state districts which do not bargain now. These are the prime sites for IEA expansion. The CTU, however, has little to gain. It has a successful bargaining relationship with the Chicago board, resulting in the highest salaries for teachers in any major city. State legislation is not likely to improve this situation, but may move some power to regulate the process to the state level where the CTU now is not active. Moreover, the Chicago city administration has opposed public employees bargaining legislation for the state since it might upset the existing peaceful relationship between the city and its public employee unions. This feeling seems to be diminishing and this will probably be less of a stumbling block in the next legislative session.

Major opposition to state action in this area has come from the Illinois Association of School Boards(IASB) and the state-wide administrator organizations. This resistance seems to have been based on a belief that opposition to state legislation on the matter would stem the tide of teacher militancy and keep many school boards from having to negotiate with their employees. Under some new leadership in the IASB and the obvious pattern of events, this position on the part of the IASB is shifting. And while the organization has not come out in support of the concept of legislation, it is prepared to take an active part in the preparation of new laws in order to have its position represented.

In this as in other key policy areas, the education professionals have entered directly into the political structure to have a part in the making of policy which will affect their position in the schools. In the case of the finance issues discussed above the SPC exists as a mechanism for this involvement, but less so for collective bargaining. The OSPI has taken the role of link among many of the interested parties. This points up the fact that the pattern of professional political relationships in the past have varied with the issue. Whether the State Board of Education will tend to become the link on more matters in the future depends on the actions of the board and the other principal actors. In two of the states visited for this study, New York and Michigan, there is a separate state board for public/teacher labor relations which has the regulatory role. In these states the Board is less involved in policymaking and regulation. The question is raised here simply to highlight it for the Board's consideration.

Special Problems in Collective Bargaining

Right to Strike

1. Under what circumstances, if any, should teachers be allowed to strike?

Most legislation currently under consideration for Illinois (as well as legislation in force in most other industrialized states), includes a limited right to strike. By limited, we mean that a specific mechanism for resolving impasse is provided for in the legislation. Teachers or other school employees are not permitted to strike until all available impasse mechanisms have been tried. Only then is a strike permitted. Even then, the laws typically provide for a school board to seek injunctions to halt the strike if there is a "clear and present danger to the public safety" caused by the strike. The alternatives to this approach are an unlimited right to strike, or the existing prohibition against any strikes by teachers or other school

employees. Neither of these alternatives seems to have much support. Even those who oppose the idea of public employee strikes admit that prohibitions against them are generally not effective. Consequently, it is preferable to have a mechanism to control the strikes in legislation and to provide better impasse resolution mechanisms.

However, tied to the right to strike as an issue is the matter of the length of the school year required by state law. Under present regulations schools are required to meet a minimum of 180 days. As a consequence, teacher strikes do not result in a loss of pay to the teachers, since the days lost during the strike are made up during the school year or at the end. As a result, the school board has little economic leverage to either prevent a strike or induce the teachers to return to work. Some school officials are advocating allowing school districts to meet fewer numbers of days. This would mean that strikes would impose serious economic costs on teachers and would consequently give the school board more leverage in the bargaining process.

Impasse Resolution Mechanism

1. What provisions should be made for impasse resolution?

Since both parties generally wish to avoid strikes, the impasse mechanism provided for is most important. A variety of mechanisms exist and are written into the law in other states. These are:

(1) Mediation. A neutral third party meets with both sides in the bargaining and attempts to get them to resolve the differences between them. The mediator is not empowered to impose a solution but merely acts to facilitate agreement between the bargaining parties.

(2) Fact Finding. One or more fact finders can enter into the bargaining process to review the positions of the two parties and render an objective judgement on the facts. The results of fact finding then, can include a recommended solution to the impasse. Fact finders may also act as mediators.

(3) Arbitration. In binding arbitration, the bargaining parties agree to submit the impasse to a neutral third party which renders a decision to which both are bound to accept.

All of these mechanisms operate in Illinois to one extent or another. However, a collective bargaining legislation would provide specific requirements and sequence for proceeding through these impasse resolution mechanisms to arrive at agreement between the bargaining parties. In the private sector, binding arbitration has been accepted by some unions, principally the United Steel workers, as an alternative to the strike. In order to allow school boards to enter into binding arbitration some legislation would be required.

Scope of Bargaining

1. What should be the limits of "bargainable" issues?

The most complex issue in bargaining is that of limitations on the scope of the bargaining arena. The usual definition for the scope of negotiable issues is "wages, fringe benefits, and other terms and conditions of employment." It is the phrase "terms and conditions of employment" which causes the problems. One side of the issue is that the terms and conditions of employment should be construed very narrowly. Great many matters of school policy should be left as management prerogatives of the school board and be kept off the bargaining table. The other side argues that there should be virtually no limit to the scope of bargaining. Any issue in the running of the school is of interest to the teachers and the school board and should be part of the collective bargaining process. Any new legislation would have to address the issue of scope bargaining, either by providing clear guidance and boundaries for the definition, or by leaving the matter ill-defined and consequently the scope of bargaining quite broad. The range of practice on this matter in other states varies greatly. For example, in New York and Michigan, the scope of bargaining is considered quite broad. By contrast, in Pennsylvania rulings by the State Public Employees Relations Board have placed very narrow boundaries on the scope of bargaining and reserve large areas of school operation as management prerogatives which can be removed from the bargaining process.[2] What should be kept as the management preogatives by the school board is clearly a matter of educational policy which must be addressed at the state level.

State Role in Collective Bargaining

Up to this time the role of the state in the area of collective bargaining and labor relations has been rather limited. In the absence of specific

legislation structuring educational labor relations in the state, there has been little authority for the OSPI to take initiative in this area. There have been a number of bills introduced into the legislature concerning both teacher and public employee collective bargaining. But none of these has been passed into law. Only the courts have taken an active role, and most of that activity has revolved around the matters of teacher (and other public employee) strikes. Consequently, the discussion in this section is directed to the trends and future issues which will face the State Board of Education.

The passage of collective bargaining legislation is likely to produce an expansion in collective bargaining in the state. Many school districts which do not now engage in collective bargaining would be more likely to begin. The experience in other states has been that when large numbers of school districts begin collective bargaining in an unsophisticated and unprepared manner, the result can be a large number of strikes and serious conflicts in the schools. To avoid this, considerable preparation and training for the onset and expansion of collective bargaining is necessary. At the present, this training and preparation is carried on at a somewhat low level by school board, teacher, and administrator organizations. Their resources are probably not adequate to the task if a great expansion of bargaining activities takes place. Moreover, there is a shortage of trained professional negotiators to assist school boards in labor relations. Some provision should be made for expanding the pool of available talent to work with school boards in the bargaining process. In terms of our description of the state roles this is a <u>support function</u> where some policy and program development is called for.

In states where state-wide collective bargaining has been under way for some time, the issue of removing the negotiations from the local to the state level has emerged. It is, therefore, likely that the same issue will arise in Illinois. However, to most participants in the policy making structure that prospect seems remote at this point. Nonetheless, the large amounts of time and local resources devoted to collective bargaining are encouragements for schools and local teacher organizations to move the process to other levels if at all feasible. In some areas of New York, for example, bargaining among school districts in a region has been centralized to some extent.

The same process could easily get under way in Illinois in the densely populated regions of the state. As the collective bargaining for school districts becomes aggregated to regions or other groupings of school systems, the individual discretion of school boards is directly affected. This is a fundamental matter of state policy which will eventually arise within the framework of collective bargaining relationships.

ACCOUNTABILITY

This discussion of accountability is guided by the three basic questions of the study:

1. Importance - Accountability involves the basic function of the state to provide quality education and for the assignment of responsibility for the accomplishment of that objective. Therefore the idea of accountability pervades the relationships among the components of the school system.

2. Jurisdiction - The state has two sources of authority for action in matters of accountability (a) the constitutional mandate to provide and coordinate supervisory functions, and (b) the role of the state as administrator of Federal funds.

3. Feasibility - Considerable political forces are arrayed on all sides of most accountability issues. Some (e.g.,teachers) resist accountability; others (e.g.,parent groups) demand it. The mechanisms and data bases for increasing accountability are largely absent. Thus not only is a state role evident, but apparently possible in an area of considerable conflicting demands.

Answers to these questions are suggested through an examination of the nature of accountability as an issue, its place in the policymaking structure of the schools, and a closer examination of the state's role.

The idea of accountability in educational systems has grown in both importance and complexity in the past several years: the importance from the emphasis on accountability among state and local school agencies, the complexity from the many ideas included under that single term. For this report, we will work with a general definition of the term as applied to the schools. Accountability is simply the idea that those who participate in the operation of the schools should be held responsible for their actions and the effects of those actions on the children in the school. Such a broad definition includes parents and students in the web of accountability, as well as teachers, administrators and boards. The central questions of accountability are:

1. Who is accountable?
2. To whom?
3. For what?
4. With what consequences?

These questions provide the framework within which we can examine the political and structural relationships involved in accountability.

Our interest in accountability as so defined is limited to the role of the state in school system accountability, and does not deal in depth with the many technical and conceptual problems of implementing full-fledged accountability systems at the local level.

Policymaking Structure

The link between the schools and the political structure of the state is a central element in the issue of accountability. Power relationships are directly involved in accountability, and consequently changes in accountability mean changes in the power that various actors in the political arena can exercise in relation to others. There are now some clearly defined areas of accountability for the professionals who run schools, the local clients of the schools, and the state governments. These are in the areas of (1) financial accountability, and (2) regulations concerning the operation of the school (such as the length of the school day and the school year, professional qualifications of personnel, and regulations concerning the content of curriculum). In these areas the link between professional control of the system and the political structure is specific and formalized. The local school systems must produce reports and maintain records of their actions in these areas of defined accountability. The reporting system is structured by the state government and the intervals and contents of the reports are mandated. While there is some dissatisfaction in areas with the content and form of these reports, the overall process is generally not one of much controversy.

For example, one area of controversy related to the purposes of this study is a litigation under way in Chicago. That case was brought against the Chicago Board of Education by a citizens' group and public interest law firm.[1] The plaintiffs contend that the Board of Education does not fulfill the requirements of the state law in providing detailed records of expenditures and allocations of school funds. Should the court find in favor of the plaintiffs the structure of the reporting system will be changed to conform to the state law. If the court does not so find, the controversy over the adequacy of reports will certainly continue. The main point, however, is that the concept of accountability in these areas is well established, formalized, and accepted. The dispute is over what

specific items of information are to be part of the accountability system.

However, in many other areas of school operations, particularly those involving the outcomes of education, the concept of accountability is much less firmly established. Teacher organizations generally resist the concept of holding teachers accountable for the academic success of the pupils. The teachers claim that too many other factors, including home and community environment, condition the achievement of the students; therefore teachers cannot be held accountable for processes which are out of their control. There are also claims by teachers that there are accountability systems which emphasize only those academic areas where measurement is possible, to the detriment of other important areas where no standard measures of achievement exist (such as art, creativity, etc.).

School boards and administrators have also been resistant to accountability aimed at the outcomes of schooling. There has been considerable resistance among school officials to the efforts of OSPI to require local planning and setting of objectives (under circular A-160 and the development of standards for recognition).[2] These officials claim that the process of planning and objective setting is too complicated and time consuming, requires additional overload of paper requirements, and is beyond the state of the art in many areas where measures of effectiveness do not exist.

On the other side of the issue, there is a tendency for parent and community groups, legislators and other government officials to favor increased accountability for school outcomes. In other states, such as Ohio and Michigan, strong initiatives to hold the school systems accountable to the state government for achievement have come from the legislature. These requirements have come in the form of mandates to a state education agency to design and implement an accountability system for the state. In these and other cases, political actors have inserted themselves directly into the area of professional responsiblity for effect. This is rationalized on the grounds that the professional control of education removes them from effective accountability to the clients and taxpayers who are paying the bills.

These feelings have apparently been strong in many states, resulting in the cooperative Accountability Project at the national level and numerous state level accountability efforts.

The problem of accountability in a large school system has arisen again and again in discussions of the Chicago school organizations. A frequently heard complaint is that the size of the system and particularly the size of the central office organization insulates the professional from accountability to parents and lay persons. Another way to characterize this problem is as dissatisfaction of the school clientele with the links between the political and professional control structures in the school system. The Board of Education is appointed by the Mayor, and because of the size of the system it is largely insulated from the day to day operation of the schools. But the school board members are also removed from direct accountability to the city government and the Mayor. Because of the strong desire to keep education removed from politics in the city, the Mayor seldom takes a direct part in school policy matters. Thus accountability of the School Board members to the Mayor is limited by their removal from the political process, and their accountability to the citizens is attenuated by the size and complexity of the administration of the school system. Moreover, because school board members do not have professional assistance in their work with the school board, they are severely limited in the amount of analysis and review they can give to school board practices and policies. Consequently, many of the decisions in policy matters fall to the professional staff by default. In this regard the link between the political and professional structures in accountability is directly related to Chicago's large size. So there is a strong link between Chicago's special status as a large school system and the problems of accountability of the professional staff.

Special Problems in Accountability

1. Localism v. state control - Under the current system of accountability to the state level, the basis for setting and reporting is shared between the state and locality. The local district sets most goals and is responsible for them to the local citizens. The state enforces minimum standards through recognition review conducted by OSPI. There is substantial dispute over whether the schools are ultimately responsible to the local clients or to the state.

2. State v. Federal accountability. Federal funds come through the state education agency. It is not clear, however, to what degree the state can be or is held responsible for local compliance with Federal requirements. Some

discussion of this question is dealt with under the desegregation section of this report. But the question extends, also, to the monitoring of other program areas and the performance of proper evaluations. This is a substantial problem for the cities since they receive most of the Federal funds.

3. Methods of accountability. There is no well-established way to either measure most school outcomes, or to link them to school practices. All available methods are subject to some controversy, and in some areas no measures exist. It is not clear how the state should deal with this measurement problem.

4. Local accountability. There is dispute over how the state should be involved in the relationship between school systems and their local clients. Some clients wish the state to force school authorities to respond to local client concerns. Others want the state to restructure the relationship so that the school officials must respond. Still others want the state to stay out of local school affairs. As the state role increases so do these conflicts.

State Role in Accountability

The role of the state has three possible components: (1) mechanisms or actions by which the state influences the accountability of schools to their local clientele, (2) actions or mechanisms by which the local school systems are accountable to the state, and (3) mechanisms through which either the state or local school systems are accountable to the Federal government for the use of Federal education funds. Within each of these components, the specific roles of the state will vary. In the case of accountability of the school to its local clients, the role of the state is a combination of support and regulation. The support function involves the provision of technical assistance in designing accountability systems and working with school and community groups in the setting of objectives for the school systems. The regulatory aspect would involve mechanisms through which the state required accountability of the local education agency and provided a system of sanctions for school systems which did not comply or who performed poorly in the accountable areas. Enforcing accountability of the local system to the state level of government also implies both support and regulatory operations, but with more emphasis on the regulatory. The two major aspects of accountability mentioned in this regard are accounting and

auditing systems which enforce financial accountability on school officials and testing programs which measure achievement in the schools and hold the system accountable for results. Closely related to these, but less often mentioned in connection with accountability are the enforcement of state regulations with respect to curriculum content, school operation and safety, and teacher qualifications. Each of these state functions involves an accountability mechanism of one kind or another.

The approach of the state education agency in the past has been to cast accountability in the framework of local planning and objective setting. That is, the state acts as a facilitator in making local schools accountable to their local client. But as the proportion of funds provided by the state increases, it is reasonable to expect the legislature and other state agencies to become more concerned with the accountability of the schools to the state level of government. There are currently efforts under way in OSPI to improve accountability in fiscal matters. An improved budgeting and financial reporting system is under development. However, on the achievement and school output side of the question there is little now available. No program of testing exists which would provide data which are comparable across school districts. At present, testing programs are confined to those chosen at the local school district level. However, the cornerstone of state level accountability as shown in New York and Michigan, for example, is a state-wide testing program. This matter is one of important future concern for the State Board of Education.

In addition to the implementation of a state-wide testing program, there is need for research and development in the areas of developing measures and assessment mechanisms for areas of school output which are not now measureable. There are many complicated technical and conceptual problems involved in this matter. It is not reasonable to expect local school districts to provide the resources alone to solve these problems. Therefore an R & D effort at the state level is worthy of consideration.

The problem of accountability within a large city school system is directly linked to political and administrative decentralization. The central problem is identified by many in Chicago as the lack of responsiveness of individual building teachers and administrators to parent concern. The Board of Education in Chicago is now experimenting with parent councils at the building level as well

as with administrative decentralization. The express purpose of these activities is to increase the responsiveness and accountability of the school system. Within one area of the City of Chicago, the Area Superintendent requires objectives to be set by the District Superintendents, for which they will later be held accountable. Many of these efforts are possible within existing statutes. But to change the distribution of legal authority and responsibility from the central board to sub-areas within the city requires re-analysis of state legislation and perhaps new laws recommended by the State Board. In this regard, expanded activities by the Commission on Urban Education, as discussed in the Governance section, could assist the city in developing workable accountability mechanisms.

TEACHER CERTIFICATION

The elements of teacher certification as a state activity are treated in terms of these basic questions:

1. Importance - Access to the profession is a central determinant of what sorts of persons are available to do the work and what skills they will possess. The process of certification also can determine the manner of professional development for educators as well. It is therefore at the center of most personnel issues for the city and other schools.
2. Jurisdiction - Under the School Code the state has the responsibility to determine not only how persons are to enter the education professions, but also how they are to be evaluated and removed. Although evaluation and promotion are usually left to local action, certification and tenure laws are traditionally state-level policy matters.
3. Feasibility - While there is some considerable pressure for reform on the certification process, the reforms are likely to be controlled by the same forces which control the current system. Certification is viewed as a professional concern by most and is in the hands of the teacher organizations and teacher training institutions. There is little support there for basic reforms.

Policy Making Structure

The special relationship between the Chicago school system and the state is strongly evident in the area of teacher certification. There are, in fact, two teacher certification processes in the State. Except for Chicago, all teacher certification matters are handled by the Superintendent of Public Instruction and the Teacher Certification Board. The process for Chicago is a separate one. In the state-controlled area of teacher certification the role of the state agency as a regulator is strong and well-defined. Teachers are certified for employment in the public schools either through completion of an approved teacher education program in an institution of higher education or through completing a required number of courses in professional preparation. The regulations for certification are developed by the state and regulated in Springfield. The Teacher Certification Board acts as an advisory organization to the Superintendent of Public Instruction in developing teacher certification policy. The system in Chicago is separate, and in some degrees a more rigorous examination process.[1] However, teachers may be certified either by passing a written and oral examination or by three years of successful substitution in the system on a full-time basis. In addition, there are both written and oral examinations for

principals and other administrative positions in the system. Although the certification process in Chicago is described as more rigorous than that of the state level, several of our interviewees expressed serious dissatisfaction with the quality control exercised in hiring teachers for the Chicago system. In light of the existence of these two separate systems, the central issue in the matter of teacher certification is how the State Board should relate to teacher certification in Chicago, and especially whether or not to maintain the separate certification process.

The development of teacher certification policy has not been a matter of major concern in the political system. Consequently, the links between the professional decision-making and the political structure are not strong. Most of the issues are resolved within the OSPI or the Teacher Certification Board. Membership of a Teacher Certification Board is predominantly teachers, or representatives of teacher organizations, and representatives of teacher training institutions. Those with a direct professional interest in the teacher certification process are the dominant actors in this system.

In the Chicago system there is a separate Teacher Certification Board consisting of the General Superintendent of Schools and two members of the central office staff. There is also a Board of Examiners which conducts the examinations for teacher certification and the various administrator credentials.

Special Problems of Certification

Control of Certification Process

1. Who, in the educational community, should control the teacher certification process?

The control of teacher certification clearly rests with the professionals. However, within the professional ranks there is a serious conflict over which of the various interests shall be dominant. At the state level, the ability of the IEA to pack the Teacher Certification Board has become a matter of some concern. The IEA and other teacher organizations contend that they are best qualified and have the most direct interest in teacher certification, and therefore should control the process. However, teacher education institutions tend to disagree with this, as do representatives of school boards and school clients. The emergence of so-called competency-based teacher certification as an initiative from OSPI has raised these issues of control and brought other actors into the policy-making picture.

Competency-based Certification

1. Should teacher certification be a one-time procedure or a continuous process of professional review?
2. What measures of teacher competence should be used in determining teacher certification?

Basing teacher certification on competency is a current program objective of OSPI. This raises the issues of who shall define the competencies and who shall measure and decide as to which competencies are achieved. If certification is to remain a process which occurs only at the entry to the profession, the current processes for doing so will probably suffice. However, the competency-based approach often includes continuous review and professional development as part of the certification process. This raises issues of teacher evaluation and accountability which are broader than simple certification matters. School Board and administrator prerogatives in managing school systems are directly involved in evaluation of professional staff and in-service development activities. As these become integrated in the teacher certification process, new mechanisms of cooperative development and control will be necessary. One approach which has been tried in Michigan is the so-called teacher center. Teacher centers are organizational arrangements for in-service development and certification of teachers on a decentralized basis in the Detroit system.[2] These teacher centers are controlled by combinations of teacher administrators and school clients. As long as the teacher certification process in Chicago is separate from the rest of the state, these kinds of initiatives from the OSPI are not feasible.

Administrative Certification

1. What role should parents and the community play in the selection of administrators?
2. How can the certification process deal with racial and ethnic discrimination in hiring and promotion?

Several areas of professional certification have recently emerged as political issues. With regard to certification of administrators, there is a current dispute within the Chicago system. Two employees of the Chicago system had passed their principal exam and were placed on the eligible list. However, they were not hired due to opposition to their appointment by community advisory groups. These two employees and the Chicago Principals Association were unsucc-

essful in seeking a permanent injunction against the School Board to prohibit it from hiring any new principals until these two have been appointed to principalships. This case is now being heard in Illinois Circuit Court. It clearly raises the issue of client control of professional appointment and qualifications. This matter will certainly continue to arise both in Chicago and in other school systems as parents and other client groups take a more and more active role in school decisions. If the courts should find that their role in this current issue in Chicago is improper, there will certainly be political pressure to change the legal framework and provide for more direct parent participation in these administrative decisions.

Certification and credentialing processes have come under fire on grounds of racial and ethnic discrimination as well. If a test for employment produces some obvious discrimination against a racial or ethnic group, the U.S. Supreme Court has ruled that the tests and qualifications must then show some direct relationship to performance on the job. At present, there are relatively few administrators and supervisors in the Chicago system from racial and ethnic minority groups. The examination process which has produced this apparent discrimination is now vulnerable to legal attack under the U.S. Supreme Court ruling.[3] The method of selecting policemen in Chicago has already been overturned by a Federal Court, and it is likely that the same approach can be used in these examinations as well. Should the teacher and principal examination system in Chicago be found illegal by a Federal Court, the state will be faced with the necessity to restructure that system.

State Role in Certification

Racial and ethnic discrimination which results from certification processes is one area where there is a state role. There is a need, first of all, for sound data on which to base conclusions of discrimination. Such data do not now exist in a readily usable form. Investigations in this area could certainly be conducted by the state education agency. But more importantly, more positive actions are possible. New certification processes are needed which both avoid illegal discrimination and at the same time produce more valid tests of professional competence. Some efforts in this area are already underway in competency-based certification, but as yet the results have not had wide impact.

On the matter of whether certification is a single or cyclical process, there is a clear area for action. Linking certification to continued professional

growth would require new legislation and new training programs, both of which imply state initiatives. And since the teacher training function lies in the realm of the higher education, some coordination mechanism with the Board of Higher Education and related agencies would be needed.

On the matter of control of the teacher certification process, there is the question of the role of the Teacher Certification Board. It is formally an advisory board. But many report its actions are often taken as decisive. In the absence of a State Board, such a role may have been inevitable. But with the advent of the State Board, a redefinition of role may be necessary. This matter involves not only the matter of control in an abstract sense, but also the place of lay citizen involvement in the certification process. At present, State Board and Chicago Board members are the only lay persons, other than legislators, who will have a say in the certification process. Some change in that situation implies direct state action.

The final issue is that of the separate certification for Chicago. As long as the Chicago process is more demanding than but otherwise consistent with state certification policy, there seems little need for action. But there is some dispute as to whether the Chicago process is in fact more demanding. There is now no sound basis for making a determination of the facts of the situation. Such a base is clearly needed before any decisions concerning the Chicago certification process can be made. Making such determination of fact is clearly a state action.

CURRICULUM

Review of the curriculum as an issue area for educational policy is included through consideration of these central questions:

1. Importance - Curriculum is, of course, central to the educational program. But not all curriculum matters are important policy issues; most are routine and handled with little conflict. Therefore we have concentrated on a few which have been the subject of some substantial controversy.
2. Jurisdiction - Although ultimate responsibility for setting curricular policy rests with the state, most authority is delegated to local school boards. Thus the state tends to act in a consultative rather than directive role here.
3. Feasibility - State mandates in selected curricular areas are not only feasible, but commonplace. However, there is a gap between mandate and implementation due to local resistance, resource limitations, and lack of technology. Where state-supplied resources are limited, local response is weak.

As with the powers of the local school board, the content of curriculum is fundamentally the responsibility of the state legislature. However, most of the responsibility for determining and regulating curriculum is delegated to the local school district. The state education agency devotes considerable resources to the support of curriculum development and education. On the regulatory side of its operation, the exact content of curriculum is not supervised. However, the organization of the curriculum and operational matters, such as the length of the school day and school year,etc., are regulated more carefully. In this respect Illinois differs substantially from many other states where there is much more direct control of curriculum content from the state level. In New York, for example, this control extends to the creation of state level examinations in standard curriculum areas (the Regents' exams). In Illinois, however, the state does not participate directly in a regulatory manner in curriculum decisions at the local level, except in special circumstances. This section discusses several of the most salient issues where there has been direct state involvement in recent curriculum policy-making. The areas of interest are bilingual education, special education, women's rights and sexism in the curriculum.

For most curriculum matters, the link between the professional decision-making structures and the political system is fairly weak. Most of the curri-

ulam issues of interest here are not particularly salient outside the educational sphere. Therefore, the decision-making process does not invoke the overall participation of the political structure. This is not meant to imply, however, that the professional decision-making structure is in strict control of curriculum decision-making. An example of notable exception to this professional decision-making is discussed below regarding bilingual education. By and large, however, the matters of curriculum policy are largely dealt with in the professional decision-making structure.

Unlike the other areas discussed, the Chicago school system is less of a special case in the area of curriculum decision-making than elsewhere. There are, of course, special curriculum arrangements for some programs and special cases in the Chicago system. But by and large, the overall framework of curriculum regulation is the same for school districts across the state. Since there is so much local discussion in this area, there is little need for a special legislation providing for any additional discretion for the Chicago Board of Education.

Also, because the problem of curriculum control is primarily a local matter, the role of the state in regard to the city systems is really more directly connected to citizen participation and decentralization. Since the Chicago Board of Education has the main discretion in setting the curriculum for the Chicago schools, the state role is either to intervene directly in the curriculum determination process, or rearrange the structure by which the actors participate in making local decisions.

Special Problems in Curriculum

Bilingual Education

1. What should the bilingual education program do?
2. Should local option in offering bilingual education be permitted under the law?
3. How should bilingual education teachers be selected?
4. How should bilingual education programs be financed?

Bilingual education is an example of an important current issue as well as an interesting case in decision-making and curriculum implementation. The legislature has recently passed new legislation creating a state policy for bilingual education.[1] The legislation calls for a <u>transitional</u> bilingual education

program for all schools where there are twenty or more students from bilingual or non-English speaking homes. The legislation also sets out principles for the kinds of teachers to be employed in these bilingual education programs. The issues raised by this new legislation illustrate many of the problems involved in state regulation and program development for city schools.

The first problem involves the notion of transitional bilingual education. There is considerable controversy over what function bilingual education is to serve. Educators are in fairly strong agreement that the program should be transitional, that is, aimed at moving students from fluency in a foreign language to fluency in operating ability in English. Bilingual education is not to extend beyond the point where the students are functional in English. However, not all ethnic and language groups agree. Many people hold that a bilingual education should be maintained as an opportunity for all children throughout their time in school. Still another position maintains that English should be taught as a second language, and the mother tongue of the children maintained as a first language. The legislation clearly mandates a transitional program, but the controversy remains at the local level.

A related problem involves an ethnic community which does not want bilingual education at all; namely, a Greek community in Chicago. There has been considerable unrest in one elementary school in a Greek neighborhood, because the parents insist on their children being taught in English. The parents maintain that the responsibility for instruction in the other culture is a responsibility of the home and church. They look to the school for training in English and basic skills necessary for success in the American society. Whether such bilingual education should be mandated for such children, however, is an issue that must be resolved at the state level.

The third problem involves the shortage of qualified personnel for instruction in bilingual education. The legislation calls for teachers which are competent in both languages. However, there does appear to be a shortage of well qualified teachers with these characteristics. Some school officials maintain that persons skilled in a second language are being hired for political purposes even though their English skills are deficient. Moreover, the legislation requires that teachers be bicultural; however, the legislation and regulations are ambiguous as to the working definitions of biculturality to be used. Chicago school

officials maintain that because of these administrative flaws in the bill, the implementation of these bilingual programs is a nightmare.

In addition to the administrative problems, the local school officials claim severe shortage of funds to operate the bilingual education program. The State provides approximately $5.5 million for the first year of operation of bilingual programs in Chicago. Chicago school officials, however, claim that close to $30 million will be required for full operation of the program. It is not clear where these funds can be obtained.

These administrative and resource problems in the bilingual education program are in part a consequence of the unorthodox nature by which the bill was passed. It was not legislation deriving from the usual educational associations or school districts. It was drafted by community organizations and public interest groups in Chicago, and passed without going through the usual process of review by the educational professional structure. The bill is patterned closely after Massachusetts legislation, even so far as using the names for agencies in Massachusetts which do not apply in Illinois. Some legislators claim that the bill was hastily drafted and passed, and consequently did not receive the proper professional review and is therefore largely unworkable.

Regardless of these technical problems with bilingual education, the existence of programs will be required under recent Supreme Court rulings.[2] Therefore, the issue is no longer whether the state should provide bilingual education but what structure and funding mechanism should be employed.

Special Education

1. Should handicapped children participate in regular school programs or should they remain in separate "special" programs?

In the area of special education the funding problems were discussed in the section on finance. However, the problem of "mainstreaming" is basically a curricular issue. Current thinking in special education holds that handicapped students should be dealt with in programs for normal children as much as possible.[3] They should be removed from the regular school program only as much as is necessary to maintain their progress and deal with their special problems. However, current special education programs are not so designed. There will consequently be a difficult and costly transition period for many of the special

education programs and school organizations. This is an area where the support function of the state is involved in implementing educational policy which is in contrast with the current arrangements.

Sexism and Women's Rights

1. How can sexist stereotyping be removed from curricula?
2. How can women be given greater opportunity to participate in school athletic programs?

Sexism in the schools arises as an issue in the academic curriculum and extra-curricular activities. The problems of sexist stereotyping in curriculum materials is largely a technical matter which may require substantial resources to alleviate but is not particularly controversial. However, women's participation in interscholastic athletics is a political problem of some magnitude. Title IX of the Elementary and Secondary Education Act requires opportunities for women in interscholastic sports to be expanded and for non-discriminatory resource allocations to be made in schools. The threat of loss of Federal aid is the Federal enforcement mechanism, but the State is responsible for the administration of these provisions. The interscholastic athletics is perhaps one of the most emotional areas of school politics. The State Board of Education is faced with the problem of designing regulations and legislation which will provide for a smooth transition from the current male-dominated athletic programs to one which provides greater opportunities for women. Cutting back on the boys' sports may be extremely difficult, so additional resources for women's sports and other extra-curricular programs will no doubt be required.

State Role in Curriculum

Curricular issues pervade several of the other areas discussed in this report: desegregation, governance and control, accountability, etc. In all these areas the dilemma of professional versus political control of eductional policy is acute. In these situations the role of the State Board can be discussed in terms of three components: (a) providing careful and timely study of the educational policy components of the issue from the broad perspective of the state, (b) insuring full participation of the appropriate publics in that study and (c) providing mechanisms to insure that, once enacted, policy is implemented. The three curriculum issues chosen for inclusion illustrate these components.

In the matter of bilingual education there was clearly a lack of careful policy analysis preceeding the enactment of the current legislation. Our review of the process revealed that the normal professional review channels were not employed and as a result legislation with some serious shortcomings was created. It is not clear why the normal review procedures were not employed or even if they would be equal to the task. The point is that methods to prevent a repeat of this pattern are a central concern for the state-level policy structure. Review and revision of the existing legislation would be a first task of such a structure so that the proper publics could participate and so that implementation would be feasible.

The implementation and enforcement aspects of curriculum pose special problems. The attitude of local school officials is quite uniform on one point: if the state mandates programs it should provide the resources. In other words, the state should not ask the local school officials to redistribute resources in response to changing state-level objectives. To a limited extent the state does seem to accept this principle by providing some support for new programs, such as bilingual education. But the lack of full state support for these programs should not be allowed as an excuse to circumvent the policy. In the case of complex curricular areas such as bilingual and special education, a determination of feasibility and full costs should accompany the program proposals and reform legislation.

Most importantly, any funding or implementation mechanism inevitably includes incentives for certain actions at the local level, e.g.,the current funding of special education which encourages separation of pupils. The incentive systems should at least not be contradictory to best practice, and at best should reinforce the intention of the policy. Careful attention to the incentive system can reduce the amount of enforcement necessary for curricular areas.

The role of the state in most curriculum areas is professional and supportive. These areas generally cause little conflict. However in a few, high visibility areas, such as those discussed here, the state role becomes more political and regulatory. A key problem in these situations is the possible loss of the educational perspective in the smoke of serious conflict. Where curriculum issues are involved this concern for the educational perspective should temper Board policymaking.

FOOTNOTES

Introduction

1. Through Article X of the U. S. Constitution, the responsibility for education is reserved to the state government. The policy and responsibility of Illinois for education is found in Article X of the State Constitution.

2. Joseph M. Cronin. The Control of Urban Schools New York: The Free Press, 1973; Michael B. Katz. Class, Bureaucracy and Schools. New York: Praeger, 1971.

3. The Educational Governance Project reported that governors in twelve states (not Illinois) had powers to influence educational policy independently from their relationship with a state education agency. Edward R. Hines,"Governors and Educational Policy-Making" in State Policy Making for the Public Schools: A Comparative Analysis., ed. by Roald F. Campbell and Tim L. Mazzoni. Columbus, Ohio: Educational Governance Project, Ohio State University, 1974.

4. Roald F. Campbell and Tim Mazzoni State Governance Models for the Public Schools. Columbus, Ohio: Educational Governance Project, Ohio State University, 1974.

5. See Campbell and Mazzoni, A Comparative Analysis, pp. 41-47.

6. See Campbell and Mazzoni, State Governance Models, p. 171.

Desegregation

1. Illinois Rev. Statutes, Chap. 122, Sec. 10-21.3; and Rules Establishing Requirements and Procedures for the Elimination and Prevention of Racial Segregation in Schools. OSPI, Nov., 1971.

2. Swan v. Charlotte-Mecklenberg Board of Education, 402 U.S. 1 (1971); and Milliken v. Bradley, 94 S. Ct. 3112 (1974).

3. For a discussion of this question see the Supplemental Report, pp. 10-13 and 23-31.

4. Center for National Policy Review. Justice Delayed and Denied: HEW and Northern School Desegregation. Washington, D.C.: School of Law, Catholic University of America, 1974.

5. The discussion of HEW enforcement of Northern school desegregation in this section is taken from Justice Delayed and Denied.

6. Summaries of Federal enforcement efforts in the Northern States and in Illinois are found in the testimony of W.L. Taylor in U.S. Congress, 92nd, 2nd Session, House of Representatives, Committee on the Judiciary, Subcommittee No. 5. School Bussing, Hearings, Part III. Washington, D.C.: GPO, 1972, p. 1682.

7. Illinois Rev. Statutes, Chap. 122, Sec. 10-21.2.

8. Tometz v. Board of Education of Waukegan, Ill., 39 Ill. 2d 593 (May, 1968).

9. Rules Establishing Requirements and Procedures for the Elimination of and Prevention of Racial Segregation in the Schools. OSPI, Nov., 1971.

10. Figure I is adapted from Planning Guide for Equal Educational Opportunity, OSPI, Department of Equal Educational Opportunity.

11. Quality Education for All Children Inc. et al. v. Board of Education of School District #205, Winnebago County, Ill., Federal District Court for the Northern District of Illinois, Western Div. #70C16.

Financing the City Schools

1. This matter was decided by the Illinois Supreme Court in Blase v. Illinois, Sbarboro v. Illinois, 55 Ill. 2d 94, 302 N.E. 2d 4b (1973).

2. Reviews of the history and problems of school finance reform are found in John Coons, et al, Private Wealth and Public Education. Cambridge, Mass: Harvard University Press, 1970; Joel S. Berke. Answers to Inequity, Berkeley, Calif.: McCutchan Publishing Co., 1974; and Anthony M. Cresswell. School Finance Reform: A Framework for Policy Analysis. New York: Teachers College Press, forthcoming.

3. Noteworthy decisions are Robinson v. Cahill, 62 N.J. 473 (N.J. Supreme Court) and Serrano v. Priest, 96 Cal. Reptr. 601 (Cal. Supreme Court). Review of these and other related cases is found in the Center for National Policy Review Report: The Role of the Courts in Education Policy, Supplemental Report.

4. Section 18.8 of the School Code (Chap. 122).

5. Professor Benjamin Hubbard of ISU is Research Director for the SPC and a recognized expert in school finance, as is Professor G. Alan Hickrod of ISU who also works on SPC analyses.

6. Additional details of the New York situation are found in Edward R. Hines. State Policy Making for the Public Schools of New York. Columbus, Ohio: Educational Governance Project, 1974.

7. Additional details on the Michigan situation are found in Edward R. Hines, et al. State Policy Making for the Public Schools of Michigan. Columbus, Ohio: Educational Governance Project, 1974.

8. This problem of Federal definition of eligibility has been brought to the attention of the School Problems Commission, but is not yet under full study.

9. See Pennsylvania Association for Retarded Children v. Pennsylvania, 343 F. Supp 279 (E.D. Pa. 1972) and the discussion of related cases in the Supplemental Report.

10. For example Michael D. Usdan, David W. Minar, and Emanuel Hurwitz, Jr. Education and State Politics. New York: Teachers College Press, 1969; and more recently a paper on the same topic by Usdan and Hurwitz at the Minar Memorial Conference, Northwestern University, 1974.

School Governance and Power

1. For a full description of the background and work of the Commission see: (1) A Report to the General Assembly of Illinois, February, 1971; and (2) Report of the Commission on Urban Education, Vol.I, March, 1973.

2. Illinois Rev. Statutes, Chap. 122, Sec. 10-23.9.

3. Courtney-Raveins v. Chicago Board of Education, Cook County Cir.Ct. #71L4015.

4. Nicholson v. Pittenger, 364 F. Supp 669 (E.D. Pa. 1973)

5. See the discussion of these and related cases in the Supplemental Report.

6. See an expanded treatment of these and related cases in the Supplemental Report.

Collective Bargaining

1. Board of Education v. Redding, 207 N.E. 2d 427 (1965); See also Allen v. Maurer, 286 N.E. 2d 135 (1972), upholding the power of courts to enjoin strikes.

2. A full description of the Pennsylvania situation is found in Act 195, Harrisburgh, Pa.: Pennsylvania School Boards Association, 1973.

Accountability

1. People of the State of Illinois ex. rel. BPI vs. Board of Education of the City of Chicago, Cook County Circuit Court #74L2212.

2. Circular A-160 describes requirements for local planning and evaluation, as issued by OSPI under authority in the School Code (Illinois Rev. Statutes, Chap. 122, Sec. 21-21).

Teacher Certification

1. Illinois Rev. Statutes, Chap. 122, Sec. 34-83.

2. Griggs v. Duke Power Co., 401 U.S. 424 (1971).

Curriculum

1. P.A. 78-727, Illinois Rev. Statutes, Chap. 122, Sec. 146.

2. See Supplemental Report, pp. 37-41, for a review of cases related to Bilingual Education.

3. See Supplemental Report, pp. 32-37, for a review of cases related to Special Education.

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